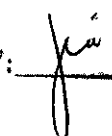




Senate
Office of the Secretary

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

13 JUL -4 AIO 33

FILED BY: 

SENATE

S. No. 471

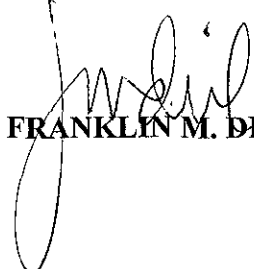
Introduced by Senator FRANKLIN M. DRILON

EXPLANATORY NOTE

The present organization, system and operations of the Bureau of Immigration are governed by Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940. Despite the amendments incorporated thereto throughout the years, the law requires further amendments in order to empower the Bureau of Immigration to capably respond to the contemporary times. The Bureau needs to transform into an entity that is not only responsive, but pro-active, to meeting the predicaments and situations caused by the growing complexity of life.

In essence, this measure seeks to reorganize the Bureau of Immigration. It defines the functions of each department sought to be created under the proposed bill, in order to streamline processes, avoid red tape and overlapping of functions. Further, the bill seeks to introduce changes to the now antiquated systems and procedures on immigration presently in effect. In introducing these amendments, it is hoped that a more responsive immigration law shall augur well for the protection of the security, safety and well-being of our people.

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


FRANKLIN M. DRILON

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



Senate
Office of the Secretary

'13 JUL -4 A10 :33

SENATE

RECEIVED BY: *ji*

S. No. 471

Introduced by Senator FRANKLIN M. DRILON

PHILIPPINE IMMIGRATION ACT OF 2013

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

TITLE I

GENERAL PROVISIONS

1
2
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
8 policy 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (h) "Commissioner" and "Deputy Commissioner" refer to the
9 Commissioner of Immigration and the Deputy Commissioner of Immigration,
10 respectively;

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

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

21 (k) "Entry" refers to the arrival of a foreigner into any designated port of
22 entry in the Philippines from a place outside thereof. A foreigner having a lawful
23 permanent residence in the Philippines shall not be regarded as making an entry for

1 the purpose of this Act if such foreigner proves that his/her departure to a place
2 outside the Philippines was for a temporary or limited period, or his/her continued
3 absence from the Philippines was occasioned by deportation proceedings,
4 extradition, or other legal process;

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

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

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

13 (o) "Hold Departure Order" refers to (1) a directive that commands the
14 Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the
15 Philippines in cases of grant of bail and recognizance pending implementation of
16 Summary Deportation Order, or (2) an order implementing a directive from the
17 President, the Senate, the House of Representatives, the Department of Justice (DOJ),
18 Regional Trial Courts, Sandiganbayan, and appellate courts to prevent a person from
19 leaving the Philippines to any place outside thereof;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 TITLE II

14 COMMISSION ON IMMIGRATION

15 CHAPTER 1

16 THE COMMISSION

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

23 *SEC. 5. Composition and Qualification.* – The Commission shall be
24 administered by the Board headed by the Commissioner as Chairperson, and four

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

7 CHAPTER 2

8 THE COMMISSIONER

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

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

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

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

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

1 orders; and (8) orders implementing watchlist orders issued by the Department of
2 Justice;

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

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

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

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

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

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

16 (j) Act on applications for retention or reacquisition of citizenship under
17 Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-
18 acquisition Act of 2003";

19 (k) Issue Certificate of Identification to foreigners who have obtained
20 Filipino citizenship;

21 (l) Issue letter orders and permits to carry firearms, ammunition and
22 communications equipment to authorized immigration operatives for use in

1 enforcement operations and in the execution of warrants: *Provided*, That such
2 firearms and ammunition are owned and issued by the Commission;

3 (m) Inspect the documents, premises and records of persons covered by
4 this Act;

5 (n) Deputize any official or employee of the national government and local
6 government units, including uniformed personnel of the Armed Forces of the
7 Philippines, the Philippine National Police and the Philippine Coast Guard to
8 perform immigration duties and functions subject to the concurrence of the Board;

9 (o) Authorize and prescribe the forms and the amount of cash bonds for
10 the provisional release of respondents in deportation proceedings;

11 (p) Impose reasonable fines and penalties for violation of immigration and
12 alien registration laws in accordance with this Act and the guidelines adopted by the
13 Commission;

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

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

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

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

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

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

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

15 (x) Act on applications for recognition of Philippine citizenship on
16 foundlings.

17 CHAPTER 3

18 THE DEPUTY COMMISSIONERS

19 *SEC. 8. Appointment and Rank of Deputy Commissioners.* – There shall be
20 four (4) Deputy Commissioners who shall be appointed by the President. They shall
21 have the same rank, salary and privileges of an Assistant Secretary of a Department.
22 Provided, that a plantilla for one (1) Deputy Commissioner shall be created which
23 shall be occupied by a career officer from the Commission.

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

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

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

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

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

10 (k) Perform such other powers and functions as provided by existing laws,
11 rules 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
14 become final and executory fifteen (15) days from receipt thereof. Only one (1)
15 motion for 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
18 executory unless stayed by an order of the Court of Appeals. The appeal shall stay
19 the execution of the decision appealed from unless the Board, in the interest of
20 national security 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
23 decision or resolution.

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

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

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

6 CHAPTER 6

7 THE BOARD OF SPECIAL INQUIRY

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

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

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

22 (a) Administer oaths;

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

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

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

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

6 (1) Deportation;

7 (2) Applications for revocation of immigration status;

8 (3) Applications for recognition of Philippine citizenship by reason
9 of birth or marriage;

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

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

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

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

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

1 CHAPTER 7

2 DIVISIONS OF THE COMMISSION

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

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

20 *SEC. 24. Duties and Functions of the Divisions and Other Operating*
21 *Offices.* – The different divisions and other operating offices of the Commission shall
22 operate in accordance with their respective duties and functions as defined by the
23 Commissioner, subject to the requirements of efficiency, economy, transparency,

1 accountability and effectiveness, and pertinent budget and civil service laws, rules
2 and regulations.

3 CHAPTER 8

4 REGIONAL OFFICES

5 *SEC. 25. Field Offices of the Commission.* – The Commission shall operate
6 and maintain a Regional Immigration Office in each of the administrative regions
7 including the National Capital Region.

8 The Regional Immigration Offices of the Commission shall each be headed by
9 a Regional Immigration Officer, all of whom shall be appointed by the Secretary
10 upon the recommendation of the Commissioner.

11 *SEC. 26. Border Control Stations* – There shall be established Border Control
12 Stations which shall be manned by Border Control Officers appointed by the
13 Commissioner. The Border Control Stations shall be placed in specific areas in the
14 Philippines which shall be determined by the Board. Their duties and
15 responsibilities shall be determined by the Commissioner.

16 *SEC. 27. Changes in the Composition, Distribution of Assignment of Regional*
17 *Offices.* – The Commissioner may make changes in the composition, distribution
18 and assignment of Regional Offices, as well as its personnel, based on the
19 demographics of the Philippines' foreigner population and as the exigency of the
20 service requires.

21 *SEC. 28. Immigration Officers.* – The position of Immigration Officer is
22 hereby created. No person shall be appointed to the position of Immigration Officer

1 unless he is a holder of a bachelor's degree and a first grade civil service eligible. The

2 Immigration Officers shall perform the following duties:

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

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

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

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

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

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

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

22 *SEC. 30. Assignment of Employees to do Overtime Work.* - The Commissioner
23 may assign immigration employees to do overtime work or services pursuant to

1 rules and regulations to be prescribed and at the rates fixed by the Commissioner
2 when the work or service to be rendered is to be paid by the airline, shipping
3 companies or other persons served.

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

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

15 TITLE III

16 IMMIGRATION

17 CHAPTER 1 - NON-IMMIGRANTS

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

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

- 1 1. Business (A-1 visa): Temporary visitors engaged in activities of a
2 commercial or professional nature for a foreign employer or for
3 themselves that will not result in gainful employment in the
4 Philippines. As used herein, the term "business" refers to conventions,
5 conferences, consultations and other legitimate activities of a
6 commercial or a professional nature, but does not include local
7 employment or labor for hire;
- 8 2. Pleasure (A-2 visa): Temporary visitors who stay in the Philippines for
9 holiday, including sightseeing, recreation or visiting relatives; and
- 10 3. Health (A-3 visa): Temporary visitors who stay in the Philippines to
11 avail of medical treatment.

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

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

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

1 company is engaged in substantial trade between the Philippines and their home
2 country shall be granted a D-1 visa.

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

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

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

15 a. Heads of the State and Heads of Government and their personal
16 representatives;

17 b. Members of reigning royal families recognized by the Philippine
18 Government;

19 c. Governors-General, Governors, and High Commissioners of
20 dependent territories and their personal representatives;

21 d. Cabinet ministers and their deputies and officials with cabinet
22 rank of ministers;

23 e. Presiding officers of national legislative bodies;

- 1 f. Justices or judges of the highest national judicial bodies;
- 2 g. Diplomats and career consular officials;
- 3 h. Diplomatic couriers regularly and professionally employed as
- 4 such;
- 5 i. *Military, naval, air and other attaches assigned to a diplomatic*
- 6 *mission;*
- 7 j. All members of official special missions of a diplomatic
- 8 character;
- 9 k. Officials of international organizations bearing diplomatic
- 10 passports when traveling on official business;
- 11 l. Representatives of international organizations who have
- 12 diplomatic status and bearing diplomatic passports issued by
- 13 their governments;
- 14 m. Members of delegations proceeding to or from an international
- 15 conference of an official or diplomatic nature;
- 16 n. Accompanying spouses and unmarried minor children of
- 17 foreigners within the abovementioned categories; and
- 18 o. Such other officials going to the Philippines on diplomatic
- 19 missions.

20 2. Persons entitled to E-2 Visa: The E-2 visa shall be issued to any other
21 person not included in the foregoing list, who is an officer of a foreign
22 government recognized by the Philippines, is a national of the country

1 whose government he represents, and is proceeding to the Philippines
2 in connection with official business for his/her government.

3 This category includes, *inter alia*, the members of the staff of a
4 diplomatic mission or consular post, the staff of international
5 organizations, and official students or participants in programs under
6 the auspices of the Philippine Government or recognized international
7 institutions.

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

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

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

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

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

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

9 (i) Representatives of International Organizations and Government Agencies
10 (I 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
19 at the time of the effectivity of this Act. The term "staff" includes the employees of
20 persons 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
23 of a foreign press, radio, satellite, television, film, or other information media, and

1 are coming to the Philippines solely to engage in gathering information principally
2 for dissemination abroad, including their family members accompanying or
3 following to join them during the period of the assignment in the Philippines;

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

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

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

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

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

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

9 **CHAPTER 2**

10 **IMMIGRANTS**

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

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

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

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

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

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

13 **SEC. 36. Basis in Determination of Quota Allotment.** – The nationality of an
14 immigrant whose admission is subject to the numerical limitation imposed by
15 Section 34 of this Act shall be that of the country of which the immigrant is a national
16 or a citizen. The nationality of an immigrant possessing dual nationality may be that
17 of either of the two countries regarding him/her as a national or citizen if he/she
18 applies for a visa in a third country. If he/she applies for a visa within one of the two
19 countries regarding him/her as a national or citizen, his/her nationality shall be that
20 of the country in which he/she files his/her application for a visa to enter the
21 Philippines.

1 *SEC. 37. Non-Quota Immigrants.* – The following immigrants, known as
2 “*non-quota immigrants*”, may be admitted without regard to numerical limitation and
3 immigration reciprocity:

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

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

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

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

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

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

1 him/her, except the one who has re-acquired or retained his/her Philippine
2 citizenship pursuant to Republic Act No. 9225.

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

12 CHAPTER 3

13 ADJUSTMENT OF STATUS

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

1 may be prescribed by the Commissioner: *Provided*, That the total period of
2 authorized stay shall not exceed twenty-four (24) months: *Provided further*, That
3 during the foreign national's authorized stay: (a) he/she shall not take any
4 employment, whether paid or unpaid; (b) he/she shall not establish or join in any
5 business; or (c) he/she shall not enroll and become a student at a school, college,
6 university, academy, or other educational institution, unless he/she is granted, upon
7 proper application, a conversion to another immigration status provided under this
8 Act.

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

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

1 *SEC. 45. Submission of Crew List and Passenger Manifest to the Commission.*

2 - Simultaneous to the vessel's departure from the port of origin, the master, captain,
3 agent, owner or consignee of any commercial vessel arriving to the Philippines shall
4 submit to the Commission, within a reasonable time prior to such arrival, the crew
5 lists, passenger manifests and such other information concerning the persons
6 arriving on such a vessel. In the same manner and condition, the master, captain,
7 agent, owner or consignee of any commercial vessel departing from any port in the
8 Philippines shall submit to the Commission, within a reasonable time prior to such
9 departure, the crew list, passenger manifest and such other information concerning
10 the persons departing on such vessel. The crew list of an incoming sea craft shall be
11 duly visaed by the appropriate Consular Officer.

12 *SEC. 46. Inspection of Crewmembers.* - It shall be the duty of the master,
13 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
14 available on board, for inspection by the Immigration Officer, any foreign
15 crewmember employed on such vessel and to detain such crewmember on board
16 after inspection and to remove such crewmember when required by the immigration
17 authorities. No crewmember on board such vessel shall be discharged while the
18 vessel is in port without the permission of the Commissioner.

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

1 CHAPTER 5

2 REFUGEE STATUS

3 SEC. 48. *Grant of Refugee Status.* - Persons seeking refugee status may apply
4 for recognition as a refugee upon seeking admission at any port of entry or within a
5 reasonable time thereafter. Refugee status shall be granted after a determination by
6 the Board that an applicant meets the qualifications of a refugee as defined in Section
7 3(z) hereof. Refugee status shall not be granted to an applicant if he/she:

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

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

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

14 SEC. 49. *Cessation of Refugee Status.* - Refugee status granted under the
15 previous section shall cease if a refugee:

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

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

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

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

5 *SEC. 51. Confidentiality of Information.* – In proceedings for the recognition
6 of refugee status, the confidentiality of information shall be respected and no
7 information relating to the refugee shall be shared with the country of origin or
8 country of former habitual residence, directly or indirectly.

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

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

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

21 **CHAPTER 6**

22 **DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

23 *SEC. 55. Documentary Requirements of Immigrants; Instances When Not*

1 *Required.* – Immigrants must present for admission into the Philippines valid
2 passports or travel documents issued by the government of the country to which
3 they owe allegiance, showing their nationality and identity and valid visas issued by
4 the Consular Officer indicating the date of issue and the period of validity thereof.
5 Immigrant visas shall not be required of the following:

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

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

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

15 Chapter 7 – Visa Issuance

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

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

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

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

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

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

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

20 **SEC. 58. Requirements for Physical and/or Mental Examination Prior to**
21 **Issuance of Immigrant Visa.** - Prior to the issuance of an immigrant visa to any
22 foreign national, the Consular Officer shall require such person to submit to a

1 physical and mental examination in accordance with such regulations as may be
2 prescribed by the Commissioner. In addition, said foreign national shall be required
3 to personally plant fifty (50) trees, except when he/she is physically incapable of
4 doing so, in which case, he/she may cause another person to plant the trees.

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

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

21 *SEC. 61. Revocation of Visa Issued by Consular Officer.* – The Commissioner
22 may, for valid cause and upon confirmation of the Secretary of Foreign Affairs,
23 revoke the visa issued by any Philippine Consular Office. If the notice of revocation

1 is not received and the visa holder applies for admission into the Philippines,
2 his/her admission or entry shall be determined by the Immigration Officer upon
3 his/her arrival at the port of entry.

4 CHAPTER 8

5 RE-ENTRY AND EMIGRATION CLEARANCE

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

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

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

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

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

8 CHAPTER 9

9 PRESIDENTIAL PREROGATIVES

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

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

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

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

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

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

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

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

7
8 **TITLE IV**

9 **PROVISIONS RELATING TO ENTRY**

10 **CHAPTER 1**

11 **CLASSIFICATION OF PORTS OF ENTRY**

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

19 **CHAPTER 2**

20 **PROCEDURES ON ARRIVAL**

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

1 any foreigner, may be challenged by another Immigration Officer. The final
2 determination of admissibility of such foreigner shall be determined by the
3 Commissioner in case no resolution is reached between the Immigration Officers on
4 the challenged admission. In case of admission, the Immigration Officer shall
5 indicate in the passport the date, the port of entry and the identity of the vessel
6 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
9 any of the classes excludable under this Act by reason of being afflicted with any of
10 the contagious or communicable disease or mental disorder set forth under Section
11 78(a) of this Act or whenever the Commissioner has received information showing
12 that 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
14 reasonable period of time to enable the immigration and medical officers to subject
15 such person to 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
20 officer shall certify his/her findings for the information of the Immigration Officer.

21 *SEC. 69. Arrival Notice Requirements of Vessel.* – The immigration
22 authorities shall be given prior notice of the arrival of any civilian vessel before such
23 vessel comes into any area in the Philippines from any place outside thereof. Such

1 prior notice shall not be required in the case of vessels with scheduled arrivals filed
2 with the Immigration Officer in charge at the international port of entry.

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

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

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

18 **CHAPTER 3**

19 **FOREIGN CREWMEMBER**

20 **SEC. 71. Conditional Permit to Disembark.** – A foreign crewmember of a
21 vessel under Section 33(c) of this Act may be granted a conditional permit, in a form
22 prescribed by regulations, to disembark temporarily from the vessel on which

1 he/she arrived while such vessel remains in port under such terms and conditions
2 as may be prescribed by the Commissioner.

3 *SEC. 72. Confiscation and Cancellation of Permit; Deportation from the*
4 *Philippines.* – Upon the determination that the foreigner is not a *bona fide*
5 crewmember or does not intend to depart on the vessel that brought him, the
6 Commissioner shall cancel and confiscate the conditional permit already issued, take
7 such foreigner into custody, and require the owner, operator, captain, master, pilot,
8 agent or consignee of the vessel on which the foreigner arrived to receive and detain
9 him/her on board. The expenses for his/her removal, including the cost of detention
10 and other expenses incidental thereto, shall be borne by the owner, operator, captain,
11 master, pilot, agent or consignee of such vessel.

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

17 *SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember.* – It
18 shall be unlawful for any person, including the owner, operator, captain, master,
19 pilot, agent or consignee of any vessel to discharge any foreign crewmember
20 employed a vessel arriving in the Philippines and whilst in port, without first
21 obtaining the prior permission of the Commissioner. Otherwise, such person or
22 owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay the
23 Commission such fines as may be prescribed under this Act. No such vessel shall be

1 granted clearance from any port in the Philippines while such fines remain unpaid
2 or while the validity thereof is being determined: *Provided*, That a clearance may be
3 granted prior to such determination upon deposit of a sum or cash bond sufficient to
4 cover such fines as approved by the Commissioner.

5 ***SEC. 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.***

6 – The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
7 immediately report, in writing, to the immigration officer all cases of desertion or
8 illegal disembarkation in the Philippines from the vessel, together with a description
9 of such foreigners and any information that shall result in their apprehension.

10 ***SEC. 76. Requirement for Submission of List of Newly Employed, Discharged***
11 ***and Illegally Landed Foreign Crewmember.*** – Prior to the departure of any vessel
12 from the last port in the Philippines destined to any place outside thereof, the owner,
13 operator, captain, master, pilot, agent or consignee thereof shall deliver to the
14 Immigration Officer at that port a list containing: (a) the names of crewmembers
15 who were not employed thereon at the time of the vessel's arrival on such port but
16 will depart thereat on the same vessel; (b) the names of those, if any, who have been
17 discharged; (c) the names of those who have deserted or illegally landed at that port,
18 if any; and (d) such other additional information as the Commissioner deems
19 necessary.

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

21 – In case the owner, operator, captain, master, pilot, agent, or consignee, fails to
22 submit a true and complete list or report of foreigners, or to report cases of desertion
23 or illegal landing, he/she shall pay to the Commission such sum as may be

1 prescribed under this Act. No such vessel shall be granted clearance from any port
2 in the Philippines while such fines remain unpaid or while the validity thereof is
3 being determined: *Provided*, that clearance may be granted prior to such
4 determination upon deposit of a sum or cash bond sufficient to cover such fines as
5 approved by the Commissioner.

6 CHAPTER 4

7 EXCLUSIONS

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

10 (a) Health Related Grounds

- 11 1. Those who are found to be suffering from a communicable, dangerous
12 or contagious disease;
- 13 2. Those who are found to be suffering from mental disorder or
14 associated behavior that may pose threat to persons or danger to
15 property;
- 16 3. Those who are found to be suffering from addiction to prohibited or
17 regulated substance;

18 (b) Economic Grounds

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

23 (c) Moral Grounds

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

11 (d) Criminal and Security Grounds

- 12 1. Those who have been convicted of a crime involving moral turpitude
13 or who admit to the Immigration Officer having committed such crime,
14 or who attempt and conspire to commit the crime;
- 15 2. Those who have been convicted, or who admit having committed, or
16 are committing acts which constitute the elements of a violation or
17 conspiracy to violate any law or regulation of the Philippines or a
18 foreign country relating to a controlled, regulated or prohibited
19 substance, or who attempt or conspire to commit the crime;
- 20 3. Those that the Philippine Government knows or has reason to believe
21 is a trafficker of any controlled, regulated or prohibited substance or
22 knows or has reason to believe is or has been an accomplice, accessory,

- 1 abettor, or co-conspirator in the illicit trafficking of any controlled,
2 regulated or 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
7 information;
 - 8 b. Any activity aimed to promote membership in an organization
9 of syndicated criminal activities;
 - 10 c. Any activity, the purpose of which is to overthrow the
11 Philippine government by force, violence or other unlawful
12 means; and
 - 13 d. Any other unlawful activity.
- 14 7. Those who are engaged or believed to be engaged or likely to engage in,
15 aid, abet or finance any terrorist activity and members or representatives
16 of a foreign terrorist organization;
- 17 8. Those who have been identified by competent authorities, local or
18 foreign, as having engaged or are engaging in human trafficking and
19 smuggling;
- 20 9. Those who are under fifteen (15) years of age and unaccompanied by or
21 not coming to a parent, except that they may be admitted in the discretion
22 of the Commissioner, if otherwise admissible; and

1 10. Those who have been identified by competent authorities, local and
2 foreign, as having engaged or are engaging in importation of
3 contrabands and other prohibited articles into the country.

4 **SEC. 78-A. Minor Persons/ Minority.** – Persons under fifteen (15) years of age,
5 and not accompanied by or not coming to a parent, may be admitted: *Provided*, That
6 the written consent of either parent allowing them to travel is presented. The
7 written consent must cite the purpose of the travel and must be affirmed by the
8 Philippine Consular post in the minor's country of origin.

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

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

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

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

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

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

13 (b) The country of birth;

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

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

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

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

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

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

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

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

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

15
16 **TITLE V**

17 **DEPORTATION**

18 **CHAPTER 1**

19 **DEPORTABLE FOREIGN NATIONALS**

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

23 (a) Those who entered the Philippines by means of false and misleading
24 statements or documents, misrepresentations or without inspection and admission

1 by the immigration authorities;

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

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

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

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

10 (f) Those who believe in, advise, advocate or teach the overthrowing by force
11 and violence of the Government of the Republic of the Philippines, or duly
12 constituted authority, or those who do not believe in or are opposed to organized
13 governments, or those who advise, advocate or teach the assault or assassination of
14 public officials by reason of their office, or those who advise, advocate or teach the
15 unlawful destruction of property, or those who are members of or affiliated with any
16 organization entertaining, advocating or teaching such doctrines, or those who in
17 any manner whatsoever extend assistance, financial or otherwise, in the
18 dissemination of such doctrines;

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

21 (h) Those who commit any violation of the provisions of this Act, independent
22 of any criminal action which may be brought against them: *Provided, however,* That in
23 the case of a foreigner who, for any reason, is convicted and sentenced to suffer both

1 imprisonment and deportation, said foreigner shall first serve the entire period of
2 his/her sentence before being deported: *Provided, further,* That the penalty of
3 imprisonment may be waived by the President upon payment by the foreigner
4 concerned of such costs, fines and/or damages, if any, awarded to the government
5 or any aggrieved party,;

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

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

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

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

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

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

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

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

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

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

14 CHAPTER 2

15 DETENTION AND DEPORTATION OF FOREIGN NATIONALS

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

20 *SEC. 89. Authority to Issue Letter Order.* - The Commissioner may issue a
21 letter order for the detention of a foreigner if he/she determines that a probable
22 cause exists for the filing of deportation charges against a foreigner for violation of
23 immigration and other related laws, rules and regulations or there is a strong

1 probability that a deportable foreigner may flee from his/her place of abode, go into
2 hiding or surreptitiously leave the country.

3 **SEC. 90. Formal Charge of Deportation.** – A formal charge for deportation shall
4 be issued upon determination of the existence of a *prima facie* case against the
5 foreigner. Pending final determination of his/her deportation case, the foreigner
6 shall, upon the discretion of the Commissioner: (a) remain under detention; or (b) be
7 released on bail or recognizance. The bail may be revoked and confiscated in favor
8 of the government if there is sufficient evidence that the foreigner is evading the
9 proceedings or is attempting to abscond, in which case he/she shall be taken into
10 custody and placed under detention by order of the Commissioner.

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

17 **SEC. 92. Voluntary Deportation, When Authorized.** – In case the foreigner
18 does not contest the formal charge against him/her and opts to voluntarily leave the
19 country at his/her own expense, the Commissioner may waive the deportation
20 proceedings and order the departure within the period specified in the voluntary
21 deportation order, except in cases of violations of laws such as Republic Act No.
22 8042 otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”:
23 *Provided*, That he/she has not committed any criminal offense or has no pending

1 case in court: *Provided, further,* That the said foreigner so deported shall be barred
2 from re-entering the country without prior written authorization from the
3 Commissioner.

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

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

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

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

23 **SEC. 96. Reinstatement of a Deportation Order.** - A deportation order

1 previously implemented against a foreigner who unlawfully re-entered the
2 Philippines shall be deemed automatically reinstated and shall be implemented in
3 accordance with this Act. This provision shall also apply to a foreigner who
4 departed voluntarily under Section 92 hereof.

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

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

15 (a) The foreigner participated, induced or cooperated in the persecution of
16 any person on account of race, religion, nationality, political opinion or membership
17 in a particular political or social group in the country where he/she is to be
18 deported;

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

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

23 (d) The foreigner is undesirable in and/or a danger to the national security of

1 residence, as the case may be. The cost of deportation may be charged against the
2 available funds of the Commission. Any foreigner deported under this section shall
3 be barred re-admission except upon written authorization of the Commissioner.

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

8 TITLE VI

9 MISCELLANEOUS PROVISIONS

10 CHAPTER 1

11 REGISTRATION OF FOREIGN NATIONALS

12 *SEC. 103. Requirement of Registration.* — A temporary foreign visitor must
13 register with the Commission or any Immigration Office nearest his/her place of
14 residence on or before the sixtieth (60th) day of his/her arrival in the Philippines.

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

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

23 *SEC. 106. Presentation of Certificate of Registration.* — Every foreigner
24 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
5 Act shall, within the first sixty (60) days of every calendar year, report in person to
6 the Commission subject to the payment of prescribed fees. The parent or legal
7 guardian of foreigners below fourteen (14) years of age shall have the duty to
8 comply with the requirements prescribed under this Act.

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

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

1 deposited in a trust fund account which may be utilized for the purchase of passage
2 tickets of indigent deportees and to cover the costs of operations in the arrest of a
3 deportee who jumps bail.

4 CHAPTER 3

5 RECOGNIZANCE

6 *SEC. 113. Petitions for Recognizance, Sanction for Breach of Conditions.*

7 – The Commissioner may order the release of a foreigner upon recognizance of
8 his/her lawyer or a person who is of good standing in the community, under such
9 terms and conditions as he/she may prescribe. Failure to comply with the terms
10 and conditions of the recognizance shall subject said lawyer or person to a fine of not
11 less than Fifty thousand pesos (P50,000.00) but not more than One hundred
12 thousand pesos (P100,000.00), without prejudice to other administrative sanctions
13 and/or proceedings against the erring party.

14 CHAPTER 4

15 COOPERATION AND COORDINATION WITH OTHER OFFICES

16 *SEC. 114. Working Cooperation with the Department of Foreign Affairs. -*

17 For purposes of efficient implementation and administration of this Act, the
18 Commission shall maintain a working cooperation with the Department of Foreign
19 Affairs.

20 *SEC. 115. Working Cooperation with the Commission on Higher Education. -*

21 The Commission shall maintain a working cooperation with the Commission on
22 Higher Education with respect to accreditation of schools and learning centers for
23 enrolment of foreign students as authorized under this Act.

1 each unaccounted person, respectively.

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

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

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

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

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

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

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

11 Where the offender of any acts specified in paragraph (g) of this section is a
12 corporation, company, partnership or other juridical entity, the president, general
13 manager, managing partner, or chief executive officer thereof shall be held liable.

14 Dismissal of the employee by the employer before or after apprehension shall not
15 relieve such employer from any liability arising from the offense: *Provided*, That if
16 the offender is the pilot, master, agent, owner, consignee, or other person in charge
17 of the vessel which brought the foreigner into the Philippines from any place outside
18 thereof, the fine imposed under this section shall constitute a lien against the vessel
19 which may be enforced in the same manner as fines are collected and enforced under
20 existing laws. Such vessel shall not be allowed to depart without prior clearance
21 issued by the Commission. Where forfeiture is justified under the particular
22 circumstances of the case, the forfeiture of the vessel in favor of the government in
23 lieu of the fine shall be decreed.

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

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

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

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

1 officers and employees of the Commission shall not be subject to diminution:
2 *Provided, further,* That in the event that the positions are abolished in accordance
3 with the reorganization, the affected employees shall be *retained*. *Provided, finally,*
4 That employees who have been dismissed for cause shall no longer qualify for any
5 position in the Commission.

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

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

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

18 CHAPTER 10

19 ADMINISTRATION AND IMPLEMENTATION

20 **SEC. 134. *Administration and Implementation Abroad.*** – The administration
21 and implementation of this Act abroad, including the rules and regulations as well
22 as policies arising from it shall be the responsibility of the Department of Foreign
23 Affairs through Philippine diplomatic and consular establishments.

24

