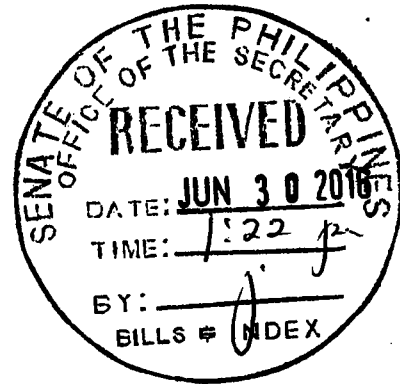


SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE

S. B. No. 17



Introduced by SENATOR FRANKLIN M. DRILON

IMMIGRATION ACT OF THE PHILIPPINES

EXPLANATORY NOTE

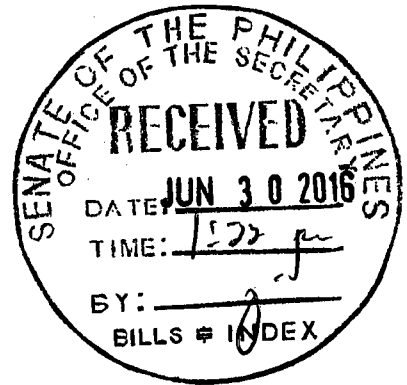
The principal law governing our country's immigration system is the antiquated Philippine Immigration Act of 1940, enacted seventy years ago under the American regime. The world has since witnessed immense changes in the dynamics governing movement of people across state borders.

Thus, our Bureau of Immigration needs to be revamped to be an effective enforcer of our immigration policies. This proposed measure seeks to reorganize the Bureau, redefine the functions of the institution, and introduce changes to the now obsolete systems and procedures under the present law. Through these amendments, a more responsive immigration law augurs well for the protection of the security, safety and well-being of our people.

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


FRANKLIN M. DRILON
Senator

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



SENATE
S.B. No. 17

Introduced by Senator FRANKLIN M. DRILON

IMMIGRATION ACT OF THE PHILIPPINES

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

TITLE I GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the "*Immigration Act of the Philippines.*"

SEC. 2. *Declaration of Policy.* — In the conduct of its relation with other States, the Philippines shall give paramount consideration to national sovereignty, territorial integrity, national security, national interest, the right to self-determination, enhancement of economic diplomacy as well as the protection of overseas Filipinos in destination countries, as it adheres to the policy of peace, cooperation and amity with all nations. Toward this end, Philippine immigration policies, rules and regulations under this Act shall be applied and administered as instruments for the promotion of domestic and external interests of the Philippines, in recognition of:

- (a) The admission of foreign nationals for the purpose of encouraging and enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) The need to support the country's technological and scientific development;
- (c) Promotion of conditions for social welfare and economic security of the people;
- (d) Compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;

- (e) Promotion of international order and justice by preventing and denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities;
- (f) Modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and
- (g) Professionalization of the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

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

- (a) "Admission" refers to the process by which a foreign national arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;
- (b) "Board" refers to the Board of Commissioners;
- (c) "Border Control Officer" refers to any person tasked to man the Border Control Station as provided under Section 28 of this Act;
- (d) "Captain" refers to the master of a vessel or pilot of an aircraft;
- (e) "Child" refers to a person below eighteen (18) years of age;
- (f) "Citizen" refers to any person who is a citizen of the Philippines under Section 1, Article IV of the Constitution of the Republic of the Philippines;
- (g) "Commission" refers to the Commission on Immigration;
- (h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner of Immigration and the Deputy Commissioner of Immigration, respectively;
- (i) "Commitment Order" refers to an order issued by the Commissioner under Section 7(c)(2) of this Act that directs the taking into custody of a foreign national after it has been determined that a probable cause exists that the foreign national committed acts and/or omissions in violation of Philippine immigration laws, rules and regulations, or during the pendency of deportation case against such foreign national: *Provided,*

1 That such custody shall not exceed three (3) months, unless there exists
2 other legal grounds for continued custody;

3 (j) "Consular Officer" refers to any consular, diplomatic, or other officer of
4 the Department of Foreign Affairs who has been duly granted a consular
5 commission for the purpose of issuing visas under this Act;

6 (k) "Derogatory Information" refers to details about persons and travel
7 documents relating to immigration consisting of the following:

8 (1) "Blacklist Order" refers to an order issued by the Commissioner
9 that prevents a foreign national from entering the territorial
10 jurisdiction;

11 (2) "Hold Departure Order" refers to a directive from the
12 Commissioner preventing a foreign national from leaving the
13 territorial jurisdiction of the Philippines in cases of grant of bail
14 and recognizance pending implementation of Summary
15 Deportation Order, or an order implementing a directive from the
16 Regional Trial Courts, *Sandiganbayan*, and appellate courts to
17 prevent a person from leaving the Philippines to any place outside
18 thereof; and

19 (3) "Watchlist Order" refers to an order issued by the Commissioner
20 under this Act that requires immigration personnel to monitor the
21 travel of any person for a period of sixty (60) days, extendible for
22 another sixty (60) days and to notify the concerned government
23 agencies of the Philippines.

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

32 (m) "Exclusion" refers to the act of Immigration Officers denying admission
33 of a foreign national into the country on grounds provided for in this Act;

34 (n) "Foreign National" refers to any person not a citizen of the Philippines;

- 1 (o) "Immigrant" refers to any foreign national departing from any place
2 outside the Philippines destined for the Philippines, other than a non-
3 immigrant;
- 4 (p) "Immigration laws" refers to this Act and any other law presently existing
5 or which may hereafter be enacted relating to movement of natural
6 persons to and from the Philippines;
- 7 (q) "Immigration Officer" refers to any person appointed under Section 24 of
8 this Act or any employee of the Commission designated by the
9 Commissioner to perform the powers, duties and functions of an
10 Immigration Officer as specified under this Act;
- 11 (r) "Interception" refers to the act of Immigration Officers denying
12 departure clearance to any person leaving the country on grounds
13 provided for in this Act;
- 14 (s) "Non-immigrant" refers to any foreign national departing from any place
15 outside the Philippines who is allowed entry and admission into the
16 Philippines for a temporary or limited period of stay;
- 17 (t) "Non-refoulement" refers to a principle of international law which
18 prohibits the forced return of a refugee to the state or territory where
19 one's life or liberty would be threatened;
- 20 (u) "Passport" refers to a document issued by the Philippine government to
21 its citizens pursuant to Republic Act No. 8239, otherwise known as "*The*
22 *Philippine Passport Act of 1996*";
- 23 (v) "Person" refers to a natural or juridical person such as but not limited to
24 partnerships, corporations, companies, and associations;
- 25 (w) "Port of entry" refers to any port designated by the Commissioner
26 through which a foreign national may enter or exit the Philippines;
- 27 (x) "President" refers to the President of the Republic of the Philippines;
- 28 (y) "Refugee" refers to a person who, owing to a well-founded fear of being
29 persecuted for reasons of race, religion, nationality, membership of a
30 particular social group, or political opinion, is outside the country of
31 nationality, and is unable or, owing to such fear, is unwilling to avail of
32 the protection of that country; or who, not having a nationality and being
33 outside the country of former habitual residence, is unable or, owing to
34 such fear, is unwilling to return to it;

- (z) "Seaman," "Seafarer" or "Crewmember" refers to a person actually employed in the operation or service in any capacity on board a vessel;
- (aa) "Secretary" refers to the Secretary of the Department of Justice;
- (bb) "Stateless Person" refers to a person who is not considered a national by any State under its laws;
- (cc) "Travel document" refers to a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of Republic Act No. 8239, otherwise known as "*The Philippine Passport Act of 1996*";
- (dd) "Vessel" refers to all means of conveyances, whether aircraft or sea craft; and
- (ee) "Visa" refers to an endorsement on a passport or any travel document issued by a Consular Officer abroad authorizing the holder thereof to proceed to a designated port of entry in the Philippines and there to apply for entry and admission under the status specified therein; or immigration status granted and/or issued to foreign nationals by the Commissioner or the Board under this Act;

TITLE II
COMMISSION ON IMMIGRATION
CHAPTER 1
THE COMMISSION

SEC. 4. Creation. — The Commission on Immigration is hereby created. It shall be principally responsible for the administration and enforcement of this Act, and the implementation of all laws, rules, regulations or orders of any competent authority concerning the entry and admission into, stay in, and the departure from the Philippines of all persons.

SEC. 5. Composition and Qualification. — The Commission shall be administered by the Board of Commissioners headed by the Commissioner as Chairperson, and four (4) Deputy Commissioners as members, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, holders of a college degree and with proven capacity for administration: *Provided*, That the majority or three (3) members including the

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

3 **CHAPTER 2**
4 **THE COMMISSIONER**

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

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

- 11 (a) Supervise, direct and coordinate the overall operations of the
12 Commission;
- 13 (b) Exercise control and supervision over the officers and personnel of the
14 Commission, including but not limited to appointments, promotions,
15 reassignments and other personnel movements, subject to existing civil
16 service laws, rules and regulations;
- 17 (c) Issue: (1) letter orders after determination of the existence of probable
18 cause for the purpose of deportation; (2) commitment or release orders;
19 (3) warrant of deportation; (4) order to inspect the documents, premises
20 and records of persons covered by this Act and (5) derogatory
21 information orders as defined in Section 3(k) of this Act;
- 22 (d) Delegate authority to subordinate officers and employees of the
23 Commission, except with regard to powers and functions enumerated in
24 the immediately preceding paragraph, which may be delegated only to
25 the Deputy Commissioners;
- 26 (e) Act on applications for issuance and extension or on petitions for
27 conversion, adjustment and amendment of visas;
- 28 (f) Act on petitions for declaration of indigency;
- 29 (g) Declare such control posts, landing places, airports or ports as points of
30 entry or exit, whether limited or unlimited;
- 31 (h) Increase, reduce or waive immigration fees, fines, penalties and other
32 charges;
- 33 (i) Act on applications for retention or reacquisition of citizenship in
34 accordance with Republic Act No. 9225 otherwise known as "*Citizenship*
35 *Retention and Re-acquisition Act of 2003*, based on the

recommendations of the concerned office of the Commission in consultation with the Department of Foreign Affairs”;

- (j) Issue Certificate of Identification to foreign nationals who have obtained Filipino citizenship;
- (k) Deputize any official or employee of the national government and local government units, including uniformed personnel of the Armed Forces of the Philippines, the Philippine National Police and the Philippine Coast Guard to assist immigration personnel in the performance of their duties and functions subject to the concurrence of the Board;
- (l) Authorize and prescribe the forms and the amount of cash bonds for the provisional release of respondents in deportation proceedings;
- (m) Impose reasonable fines and penalties for violation of immigration and alien registration laws in accordance with this Act and the guidelines adopted by the Commission;
- (n) Provide an express lane for the rendition of services upon payment of prescribed fees by persons served and to deposit in a government authorized depository bank all such fees received under a trust fund that may be made available for the payment of allowances to employees of the Commission, subject to existing auditing and accounting rules and regulations;
- (o) Accept donation of materials, equipment or technical services from any foreign government, international or domestic organization, to upgrade the efficiency and operations of the Commission;
- (p) Submit to the President and Congress, annually or as may be directed, a report on the: (1) number and status of foreign nationals in the Philippines; (2) foreign nationals admitted or granted change of status as permanent residents; (3) foreign nationals who have been excluded or deported from the Philippines; (4) estimated number of illegal foreign nationals in the Philippines in each calendar year and actions taken to arrest them, by nationality grouping, for each region in the Philippines; and (5) such other transactions of the Commission;
- (q) Assign immigration employees to do overtime work or services pursuant to rules and regulations to be prescribed and at the rates fixed by the Commissioner when the work or service to be rendered is to be paid by

- 1 shipping companies and airlines or other persons served;
- 2 (r) Determine the manning levels of immigration officers of the Commission
- 3 nationwide in accordance with the number of arrivals in each port of
- 4 entry as determined by the Board: *Provided*, That the number of
- 5 employees, as provided in the staffing pattern in accordance with Section
- 6 120 of the Act, shall not be decreased;
- 7 (s) Prepare and submit supplemental budget of the Commission for the
- 8 consideration of the Department of Budget and Management;
- 9 (t) Prescribe such rules, regulations or other administrative issuances to
- 10 carry out the provisions of this Act;
- 11 (u) Prescribe the appropriate forms, bonds, reports, entries and other papers
- 12 in accordance with this Act; and
- 13 (v) Perform such other functions inherent to the Commission.

14 **CHAPTER 3**

15 **THE DEPUTY COMMISSIONERS**

16 **SEC. 8. *Appointment and Rank of Deputy Commissioners.*** — There

17 shall be four (4) Deputy Commissioners who shall be appointed by the President.

18 They shall have the same rank, salary and privileges of an Assistant Secretary of a

19 Department.

20 **SEC. 9. *Duties of Deputy Commissioners.*** — In addition to their duties

21 as members of the Board, the Deputy Commissioners may be assigned by the

22 Commissioner to supervise relative to the operations of the different divisions of the

23 Commission clustered as follows: (a) regulatory; (b) border control; (c) enforcement;

24 and (d) management support.

25 **CHAPTER 4**

26 **THE BOARD OF COMMISSIONERS**

27 **SEC. 10. *Powers and Functions of the Board.*** — The Board shall have

28 the following powers and functions:

- 29 (a) Decide on applications and/or cases relative to:
- 30 (1) Deportation;
- 31 (2) Revocation of immigration status;
- 32 (3) Recognition of Philippine citizenship by reason of birth or
- 33 marriage;
- 34 (4) Issuance and revocation of all visas;
- 35 (5) Declaration of indigency; and

1 **SEC. 15. Powers and Duties.** – The Executive Director shall:

- 2 (a) Act as the Board Secretary in the meetings of the Board;
- 3 (b) Advise and assist the Commissioner in the formulation and
- 4 implementation of the objectives, policies, plans and programs of the
- 5 Commission;
- 6 (c) Supervise all the operational activities of the Commission;
- 7 (d) Coordinate the programs and projects of the Commission and be
- 8 responsible for its economical, efficient and effective administration;
- 9 (e) Administer oaths in connection with all matters relating to the business
- 10 of the Commission; and
- 11 (f) Perform such other duties as may be assigned by the Commissioner.

12 **CHAPTER 6**

13 **THE BOARD OF SPECIAL INQUIRY**

14 **SEC. 16. Constitution of Boards of Special Inquiry.** – There shall be

15 constituted as many Boards of Special Inquiry (BSI) as required in the exigency of

16 service but not more than twelve (12). Each Board shall be composed of a

17 Chairperson and two (2) members. The Overall Chairman of the BSI shall sit as the

18 Chairperson of the First Board of the BSI. The BSI shall be designated according to

19 their areas of specialization to be determined by the Board.

20 **SEC. 17. Appointment and Qualification of the Chairpersons and**

21 **Members of the BSI.** – The Chairpersons and members of the BSI shall be

22 appointed by the Commissioner, all of whom shall be natural-born citizens of the

23 Philippines and, at the time of their appointment, at least thirty (30) years of age,

24 members of the Philippine Bar in good standing, and engaged in the practice of law

25 for at least three (3) years.

26 **SEC. 18. Powers and Functions of the BSI.** – The BSI shall:

- 27 (a) Recommend to the Board for final resolution cases and/or applications
- 28 relative to:
- 29 (1) Deportation;
- 30 (2) Revocation of immigration status;
- 31 (3) Recognition of Philippine citizenship by reason of birth or
- 32 marriage;
- 33 (4) Legalization of residence in accordance with law; and
- 34 (5) Issuance of visa for stateless person;
- 35 (b) Issue subpoena in cases being heard by the BSI;

- (c) Cite and punish for contempt in the exercise of their quasi-judicial functions and in accordance with the Rules of Court;
- (d) Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties and other charges subject to existing laws, rules and regulations;
- (e) Administer oaths;
- (f) Promulgate rules and regulations governing matters within its assigned mandate subject to the approval of the Board; and
- (g) Perform such other duties and functions as may be directed by the Commissioner and the Board.

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

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

CHAPTER 7 DIVISIONS OF THE COMMISSION

SEC. 21. *Divisions and Other Operating Offices of the Commission.*
– The Commission shall have the following divisions and other operating offices, namely:

- (a) Administration;
- (b) Finance;
- (c) Information and Communications Technology;
- (d) Planning and Research;
- (e) International Policies and Cooperation;
- (f) Social Integration;
- (g) Intelligence;
- (h) Law Enforcement;
- (i) Fraud Prevention;
- (j) Legal;
- (k) Immigration Regulation;
- (l) Registration;
- (m) Visa and Special Permit;

- (n) Complaint and Prosecution;
- (o) Internal Audit Office;
- (p) National Operations Center; and
- (q) Immigration Academy of the Philippines.

SEC. 22. Heads of the Divisions and Other Operating Offices. —

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

SEC. 23. Duties and Functions of the Divisions and Other Operating Offices. — The different divisions and other operating offices of the Commission shall have such number of officers and employees to carry out their respective duties and functions as may be defined by the Commissioner in the implementing rules and regulations.

SEC. 24. Immigration Officers. — No person shall be appointed to the position of Immigration Officer unless he or she is a holder of a bachelor's degree and a first grade civil service eligible. The Immigration Officers shall perform the following duties:

- (a) Examine, with the assistance and advice of medical authorities in appropriate cases, foreign nationals at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;
- (b) Exclude foreign nationals not properly documented, and to admit foreign nationals complying with the applicable provisions of immigration and related laws;
- (c) Administer oaths in connection with the performance of their duties;
- (d) Search for foreign nationals on any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to take into custody without warrant any foreign national who in ones presence or view is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;

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

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

5 **SEC. 25. *Deployment of Immigration Personnel Abroad.*** – Within
6 ninety (90) days from the effectivity of this Act, the Department of Foreign Affairs
7 and the Commission shall promulgate the implementing rules and regulations on the
8 assignment and deployment of immigration personnel to select consular posts
9 abroad who shall, subject to the pertinent provisions of Republic Act No. 7157 or the
10 “*Philippine Foreign Service Act of 1991*”, perform immigration duties, except
11 diplomatic and consular functions.

12 **CHAPTER 8**
13 **OTHER OFFICES**

14 **SEC. 26. *Field Offices of the Commission.*** – The Commission shall
15 operate and maintain a field office in each of the administrative regions including the
16 National Capital Region.

17 The field offices of the Commission shall each be headed by at least an
18 Immigration Officer II, all of whom shall be designated by the Commissioner.

19 **SEC. 27. *Changes in the Composition, Distribution of Assignment***
20 ***of Field Offices.*** – The Commissioner may make changes in the composition,
21 distribution and assignment of field offices, as well as its personnel, based on the
22 demographics of the foreign nationals and as the exigency of the service requires.

23 **SEC. 28. *Border Control Stations.*** – There shall be established Border
24 Control Stations which shall be manned by Border Control Officers appointed by the
25 Commissioner. The Border Control Stations shall be placed in specific areas in the
26 Philippines which shall be determined by the Board.

27 **TITLE III**
28 **IMMIGRATION**
29 **CHAPTER 1**
30 **NON-IMMIGRANTS**

31 **SEC. 29. *Categories of Non-immigrants and Types of Visa Issued.***
32 – Foreign nationals departing from any place outside the Philippines who are
33 otherwise admissible and who qualify under any one of the following categories may
34 be admitted as non-immigrants:

35 (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a
36 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
5 conventions, conferences, consultations and other legitimate
6 activities of a commercial or a professional nature, but does not
7 include local employment or labor for hire;
- 8 (2) Pleasure (A-2 Visa): Temporary visitors who stay in the
9 Philippines for holiday, including sightseeing, recreation or
10 visiting relatives; and
- 11 (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines
12 to avail of medical treatment.
- 13 (b) Transit Persons (B Visa): Persons passing through the Philippines solely
14 for a "stop over" who have a confirmed connecting flight to another
15 country or passengers in immediate and continuous transit to a
16 destination outside the Philippines;
- 17 (c) Crew members (C Visa): Members of the crew of vessels required for the
18 normal operation and servicing of the vessels who come to the
19 Philippines temporarily as part of their jobs either arriving with or
20 coming to join the vessels;
- 21 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens and
22 their family members from a country that has a trade treaty with the
23 Philippines and coming to work in the Philippines for either a company
24 they own or one that is at least fifty percent (50%) owned by nationals of
25 their home country and which company is engaged in substantial trade
26 between the Philippines and their home country shall be granted a D-1
27 visa.
- 28 Citizens of a country that has an investor treaty with the Philippines, and
29 their family members, and coming to work in the Philippines for a
30 business they own or one that is at least fifty percent (50%) owned by
31 nationals of their home country and which business is supported by a
32 substantial investment from nationals of their home country shall be
33 granted a D-2 visa;

1 (e) Accredited Foreign Government Officials, Their Families and Household
2 Member (E Visas): Foreign government officials, their families and
3 household members coming to the country for official purpose, pursuant
4 to international conventions and bilateral agreements, shall be granted E
5 Visas divided into four (4) types, namely:

6 (1) Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the
7 following classes of foreign nationals:

- 8 (i) Heads of State and/or Heads of Government and their
9 personal representatives;
- 10 (ii) Members of reigning royal families from countries
11 recognized by the Philippine Government;
- 12 (iii) Governors-General, Governors, and High Commissioners
13 of dependent territories and their personal representatives;
- 14 (iv) Cabinet ministers and their deputies, and officials with
15 cabinet rank of ministers;
- 16 (v) Presiding officers of national legislative bodies;
- 17 (vi) Justices or judges of the highest national judicial bodies;
- 18 (vii) Diplomats and career consular officials on foreign
19 assignment in the Philippines;
- 20 (viii) Military, naval, air and other attaches assigned to a
21 diplomatic mission; and
- 22 (ix) Accompanying spouses and unmarried dependents of
23 foreigners within the abovementioned categories;

24 (2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an
25 official of a foreign government recognized by the Philippines, is a
26 national of the country whose government he represents, and is
27 proceeding to the Philippines on a long-term basis in connection
28 with official business for his/her government.

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

- 31 (i) Administrative and technical members of the staff of a
32 diplomatic or consular mission;

(ii) Official participating in programs under the auspices of the Philippine Government or recognized international institutions; and

(iii) Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;

(3) Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines on a short-term basis in connection with official business for his/her government.

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

(i) Diplomatic couriers regularly and professionally employed as such;

(ii) All members of official special missions of a diplomatic character;

(iii) Members of delegations proceeding to or from an international conference of a diplomatic or official nature; and

(iv) Such other officials going to the Philippines on diplomatic or official missions;

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

All visas under Section 29(e) of this Act shall be exclusively issued and renewed by the Department of Foreign Affairs, which shall also determine the type of E-Visa of Foreign Government Officials not identified in the foregoing lists. The grant of immunities and privileges shall be subject to applicable domestic and international law and international agreements to which the Philippines is a party, as well as in consideration of the principle of reciprocity.

(f) Students (F Visa): Foreign students having means sufficient for their support and education in the Philippines who seek to enter the

Philippines temporarily for the sole purpose of taking up a course of study higher than high school at a university/seminary, academy or college accredited to admit such foreign students by the Commission on Higher Education in coordination with the Commission, including the monitoring of the status of activities of such foreign students in the Philippines;

- (g) Prearranged Employment (G Visa): Foreign nationals coming to the Philippines on prearranged employment, including their family members accompanying or following to join them within the period of their employment. This category includes intra-company transferees, professionals, performing artists, athletes, and cultural exchange workers under a work exchange program;
 - (h) Religious Workers (H Visa): Duly ordained or professional missionaries and religious ministers, including members of their family, coming to the Philippines to join a religious congregation or denomination duly registered with the Securities and Exchange Commission, upon invitation, sponsorship or guarantee of such religious congregation or denomination, solely for the purpose of propagating, teaching and disseminating their faith or religion;
 - (i) Representatives of International Organizations and Government Agencies (I Visa): For purposes of this Act, the term "accredited international organization", includes any public international organization in the activities of which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation and such other international organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act.
- Foreign officials and staff of accredited international organizations, including their dependent family members, staff, and household members shall be granted I-Visas divided into four (4) types, namely:

1 (1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the
2 principal officials of international organizations, as well as their
3 accompanying wives and dependents.

4 (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the
5 other officials and staff of international organizations, as well as
6 their accompanying wives and dependents.

7 (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to
8 officials and staff of international organizations who will perform
9 short-term official work with the international organization upon
10 its invitation.

11 (4) Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the
12 private employees and household members of persons to whom E-
13 1 and E-2 visas have been granted, as well as their immediate
14 dependents.

15 All visas under Section 29(i) of this Act shall be exclusively issued and
16 renewed by the Department of Foreign Affairs, which shall also
17 determine the type of I-Visa of officials and staff of International
18 Organizations who are not identified in the foregoing lists. The grant of
19 immunities and privileges shall be subject to applicable domestic and
20 international law, relevant Headquarters Agreements, and international
21 agreements to which the Philippines is a party.

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

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

32 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined
33 in Section 3 (z) hereof shall be issued L-1 Visa. Stateless persons, whose
34 admission for humanitarian reasons and not inimical to public interest

has been approved by the Commissioner or the President in such cases and under such conditions as he may prescribe, shall be issued L-2 Visa;

(m) Bridging Visa (M Visa): A temporary visa which allows a foreign national to stay in the Philippines after his/her current visa, other than temporary visitor visa under Section 29(a), expires and while his/her application for adjustment of status is being processed.

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

CHAPTER 2 IMMIGRANTS

SEC. 30. Quota Immigrants. — Subject to conditions set forth in this Act, there may be admitted into the Philippines, immigrants, otherwise known as “*quota immigrants*”, not to exceed two hundred (200) of any one nationality based on immigration reciprocity for any one calendar year and upon allotment by the Commissioner of the corresponding quota number. In the allotment of quota numbers, the following order of preference shall be observed:

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

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

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

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

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

8 **SEC. 32. Basis in Determination of Quota Allotment.** — The
9 nationality of an immigrant whose admission is subject to the numerical limitation
10 imposed by Section 30 of this Act shall be that of the country of which the immigrant
11 is a national or a citizen. The nationality of an immigrant possessing dual nationality
12 may be that of either of the two countries regarding him/her as a national or citizen if
13 he/she applies for a visa in a third country. If he/she applies for a visa within one of
14 the two countries regarding him/her as a national or citizen, his/her nationality shall
15 be that of the country in which he/she files his/her application for a visa to enter the
16 Philippines.

17 **SEC. 33. Non-Quota Immigrants.** — The following immigrants, known as
18 “non-quota immigrants”, may be admitted without regard to numerical limitation
19 and immigration reciprocity:

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

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

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

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

- (e) A foreign national who had been previously lawfully admitted into the Philippines for permanent residence who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines;
- (f) A natural-born citizen who becomes a naturalized citizen of a foreign country and is returning to the Philippines for permanent residence therein, including his/her spouse and minor children accompanying or following to join him/her; and
- (g) Spouse, parent, children, legitimate siblings of a foreign national who is gainfully employed and holder of a permanent resident status for a period of seven (7) years.

CHAPTER 3 NATIVE-BORN FOREIGN NATIONAL

SEC. 34. *Status of Children Born to Immigrants.* — A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident.

SEC. 35. *Status of Children Born to Non-immigrants.* — A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless he/she reaches the age of eighteen (18) years while continuously residing in the Philippines, in which case he/she may apply for naturalization under existing laws or for an appropriate visa.

CHAPTER 4 ADJUSTMENT OF STATUS

SEC. 36. *Conditions for Adjustment of Status of Foreign Nationals.*
— The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board to that of a foreigner lawfully admitted as a permanent resident if: (a) the foreigner makes an application for such adjustment; (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines as a permanent resident; and (c) a quota immigrant visa, if such is the case, is immediately available to him/her at the time of his/her application, without the need of first departing from the Philippines. In all such cases, the personal appearance of the foreigner shall be required during the consideration of his/her application.

SEC. 37. *Effect of Approval on Application for Adjustment.* — Upon the approval of an application for adjustment of status under the preceding section,

1 the Commissioner shall record the foreign national's lawful admission as a
2 permanent resident as of the date of the approval of the application and shall be
3 included as part of the quota for the calendar year in accordance with Section 30 of
4 this Act.

5 **SEC. 38. *Adjustment of Status, When Not Allowed.*** — Adjustment of
6 status under Section 36 of this Act shall not be applicable to a foreign national: (a)
7 who has violated or is in violation of immigration laws, rules and regulations unless
8 the violation is without the fault of the foreign national or for purely technical
9 reasons; and (b) transients.

10 **SEC 39. *Loss of Status.*** — A registered foreign national, except a temporary
11 visitor, who fails to return to the Philippines within a period of one (1) year from
12 departure shall loss his status. Otherwise, such foreign national shall apply for an
13 extension of the period within which to return prior to its expiration and pay the
14 prescribed fees and charges therefor in order to maintain ones visa category.

15 **CHAPTER 5**

16 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

17 **SEC. 40. *Documentary Requirements of Non-immigrants.*** — Non-
18 immigrants must present for admission into the Philippines valid passports issued by
19 the governments of the countries to which they owe allegiance or other travel
20 documents showing their nationality and identity as prescribed by regulations, a
21 valid visa granted by the Philippine Consular Officer, if required, and such other
22 relevant documents as may be required under existing laws, rules, regulations, or
23 multilateral or bilateral agreements.

24 **SEC. 41. *Conditions and Period of Authorized Stay of Temporary***
25 ***Visitors.*** — The initial period of authorized stay of a foreign national admitted as a
26 temporary visitor under Section 29(a) of this Act shall not exceed fifty-nine (59)
27 calendar days from the date of arrival, subject to bilateral, regional and multilateral
28 visa agreements entered into by the Philippines; *Provided*, That the conditions for
29 extensions and total period of authorized stay shall be prescribed by the
30 Commissioner: *Provided further*, That during the foreign national's authorized stay:
31 (a) he/she shall not take any employment, whether paid or unpaid; (b) he/she shall
32 not establish or join in any business; or (c) he/she shall not enroll and become a
33 student at a school, college, university, academy, or other educational institution,
34 unless he/she is granted, upon proper application, a conversion to another
35 immigration status provided under this Act.

1 **SEC. 42. Conditions for Issuance of Pre-arranged Employment**

2 **Visas.** — A foreign national who is coming to the Philippines for prearranged
3 employment shall not be issued a non-immigrant visa referred to in Section 29(g)
4 until the Consular Officer shall have received authorization for the issuance of the
5 same. Such authorization shall be given only upon the filing of a petition with the
6 Board establishing, among others, that no person can be found in the Philippines
7 willing and competent to perform the work or service for which the foreigner is
8 desired and that the admission would be beneficial to the public interest. The
9 petition shall be under oath by the prospective employer or the latter's representative
10 in the form and manner prescribed by the Board.

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

14 **SEC. 43. Submission of Crew List and Passenger Manifest to the**
15 **Commission.** — Simultaneous to the vessel's departure from the port of origin, the
16 master, captain, agent, owner or consignee of any commercial vessel arriving to the
17 Philippines shall submit to the Commission, within a reasonable time prior to such
18 arrival, the crew lists, passenger manifests and such other information concerning
19 the persons arriving on such a vessel. In the same manner and condition, the master,
20 captain, agent, owner or consignee of any commercial vessel departing from any port
21 in the Philippines shall submit to the Commission, within a reasonable time prior to
22 such departure, the crew list, passenger manifest and such other information
23 concerning the persons departing on such vessel. The crew list of an incoming sea
24 craft shall contain the appropriate visa granted by the Consular Officer.

25 **SEC. 44. Inspection of Crewmembers.** — It shall be the duty of the
26 master, captain, agent, owner or consignee of any vessel arriving in the Philippines
27 to have available on board, for inspection by the Immigration Officer, any foreign
28 crewmember employed on such vessel and to detain such crewmember on board
29 after inspection and to remove such crewmember when required by the immigration
30 authorities. No crewmember on board such vessel shall be discharged while the
31 vessel is in port without the permission of the Commissioner.

32 **SEC. 45. Permission for Temporary Landing of a Foreign**
33 **Crewmember.** — A foreign crewmember on a vessel arriving in the Philippines
34 may be permitted to land temporarily under such conditions as may be prescribed by

1 the Commissioner. All expenses incurred by the Commission while the crewmember
2 is on land shall be borne by the master, captain, agent, owner or consignee of the
3 carrying vessel.

4 CHAPTER 6 5 DOCUMENTATION AND ADMISSION OF IMMIGRANTS

6 **SEC. 46. *Documentary Requirements of Immigrants; Instances***
7 ***When Not Required.*** — Immigrants must present for admission into the
8 Philippines valid passports or travel documents issued by the government of the
9 country to which they owe allegiance, showing their nationality and identity and
10 valid immigrant visas indicating the date of issue and the period of validity thereof.
11 Immigrant visas shall not be required of the following:

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

21 CHAPTER 7 22 VISA ISSUANCE

23 **SEC. 47. *Nature of Visa.*** — Nothing in this Act shall be construed to
24 automatically entitle any foreign national to whom a visa or other travel document
25 has been issued to enter the Philippines if, upon arrival at a port of entry, he/she is
26 found to be inadmissible under this Act or any other law.

27 **SEC 48. *Visa Policy.*** — The policies governing the issuance, extension,
28 renewal and conversion of visas referred to in Sections 29 and 33 hereof shall be
29 jointly formulated by the Commission and the Department of Foreign Affairs and,
30 when appropriate, in consultation with concerned government agencies and offices.

31 **SEC. 49. *Visa Issuance Abroad.*** - All visas issued abroad shall be done
32 by Consular Officers assigned at Philippine Foreign Service posts in the following
33 manner:

- 34 (a) Upon approval by the Commissioner and recommendation of a Consular
35 Officer, a quota immigrant visa may only be issued to a foreign national

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

- 6 (b) The Department of Foreign Affairs, through its Consular Office abroad
7 and/or the Office of the Visa Director, shall approve the issuance of non-
8 quota immigrant and non-immigrant visas to a foreign national who has
9 made a proper application therefor.

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

14 **SEC. 50. Requirements for Physical and/or Mental Examination**
15 **Prior to Issuance of Immigrant Visa.** – Prior to the issuance of an immigrant
16 visa to any foreign national, the Consular Officer shall require such person to submit
17 to a physical and mental examination in accordance with such regulations as may be
18 prescribed by the Commissioner.

19 **SEC. 51. Visa Validity Period.** – A single-entry non-immigrant or
20 immigrant visa issued by a Consular Officer abroad pursuant to Section 49 of this Act
21 shall be valid for a period not exceeding three (3) months: *Provided:* That in
22 prescribing the validity period of a single-entry non-immigrant visa, the Consular
23 Officer may, insofar as practicable, allow a longer validity period based on reciprocity
24 as accorded by the foreign country to citizens of the Philippines who are within a
25 similar class.

26 An immigrant visa may be replaced under the original number during the
27 calendar year in which the original visa was issued for a foreign national who
28 establishes to the satisfaction of the Consular Officer that he/she was unable to use
29 the original immigrant visa during the period of its validity for reasons beyond
30 his/her control: *Provided,* That the foreign national is found by the Consular Officer
31 to be eligible for another immigrant visa and has paid all the fees.

32 **SEC. 52. Denial of Visa, Grounds Thereof.** – The Consular Officer may
33 deny the application for visa (a) if it appears from the statements in the application

1 or in the documents submitted the applicant is not eligible for a visa under this Act;
2 or (b) if he/she fails to comply with the requirements of the provisions of this Act.

3 **SEC. 53. *Revocation of Visa Issued by Consular Officer.*** — The
4 Commissioner may, for valid cause and upon confirmation by the Department of
5 Foreign Affairs, revoke the visa issued by any Consular Officer. If the notice of
6 revocation is not received and the visa holder applies for admission into the
7 Philippines, his/her admission or entry shall be determined by the Immigration
8 Officer upon his/her arrival at the port of entry.

9 **CHAPTER 8**
10 **RE-ENTRY AND EMIGRATION CLEARANCE**

11 **SEC. 54. *Re-entry.*** — Every time a registered foreign national, except a
12 temporary visitor, departs or is about to depart temporarily from the Philippines
13 with the intention to return within one (1) year from departure, the foreign national
14 must secure from the Commission a re-entry permit or if his/her authorized stay is
15 less than one (1) year, a Special Return Certificate and pay the corresponding fees
16 and charges therefor.

17 **SEC. 55. *Emigration Clearance.*** — A registered foreign national who
18 departs permanently from the Philippines shall surrender all Philippine immigration
19 documents to the Commission and apply for and be issued an Emigration Clearance
20 Certificate, subject to the following conditions:

- 21 (a) The immigrant has no pending obligation with the government or any of
22 its agencies or instrumentalities;
23 (b) The immigrant has no pending criminal, civil, or administrative
24 proceeding which requires continued presence in the country; and
25 (c) There is no ongoing legislative inquiry where the immigrant is called
26 upon to testify as a witness.

27 A temporary visitor departing from the Philippines shall, after the expiration
28 of initial authorized stay, apply for emigration clearance with the Commission and
29 pay the prescribed fees and charges therefor.

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

32 **SEC. 56. *Presidential Prerogatives.*** — Any provision of this Act to the
33 contrary notwithstanding, the President may:

- 34 (a) Deny the entry and admission into the Philippines of any foreign
35 national or a class of foreign nationals whenever the President finds that

- 1 the entry would be detrimental to the interest of the Philippines or
2 impose such restrictions as he/she may deem appropriate;
- 3 (b) Waive passport and/or documentary requirements for non-immigrants
4 and immigrants under such terms and conditions as he/she may
5 prescribe;
- 6 (c) Change the status of non-immigrants by allowing them to acquire
7 permanent residence status without necessity of a visa;
- 8 (d) Deport any foreign national, subject to the requirement of due process;
- 9 (e) Admit non-immigrants not otherwise provided for in this Act for
10 humanitarian considerations and when not detrimental to public
11 interest, under such terms and conditions as he/she may prescribe;
- 12 (f) Prohibit the departure from the Philippines of any person who is likely to
13 disclose national security information, or who is likely to organize a
14 rebellion abroad against the Philippines, or whose presence in the
15 country is necessary to face, or be a witness in, criminal proceedings; and
- 16 (g) Exercise, with respect to foreign nationals in the Philippines, such
17 powers as are recognized by the generally accepted principles of
18 international law.

19 **TITLE IV**
20 **PROVISIONS RELATING TO ENTRY**
21 **CHAPTER 1**
22 **CLASSIFICATION OF PORTS OF ENTRY**

23 **SEC. 57. *Authority to Classify Ports.*** – The Commissioner shall classify
24 and designate, from among the ports of entry established by law for immigration
25 purposes, limited or unlimited ports of entry through which foreign nationals may be
26 admitted into the Philippines. Only such classes of foreign nationals as provided
27 under the rules and regulations prescribed by the Commissioner may be admitted at
28 limited ports of entry. The Commissioner may, after due notice to the public, close
29 designated ports of entry in the interest of national security or public safety.

30 **CHAPTER 2**
31 **PROCEDURES ON ARRIVAL**

32 **SEC. 58. *Inspection by Immigration Officer.*** – A foreign national
33 seeking admission or readmission shall present ones valid passport and visa, if
34 required, to the immigration officer at the port of entry and shall be subject to
35 primary inspection. The decision of the examining Immigration Officer, if favorable
36 to the admission of any foreigner, may be challenged by another Immigration

1 Officer. The final determination of admissibility of such foreign national shall be
2 determined by the Commissioner in case no resolution is reached between the
3 Immigration Officers on the challenged admission. In case of admission, the
4 Immigration Officer shall indicate in the passport the date, the port of entry and the
5 identity of the vessel boarded.

6 **SEC. 59. Detention or Quarantine for Examination.** — For the
7 purpose of determining whether a foreign national arriving at any port in the
8 Philippines belongs to any of the classes excludable under this Act by reason of being
9 afflicted with any of the contagious or communicable disease or mental disorder set
10 forth under Section 70(a) of this Act or whenever the Commissioner has received
11 information showing that foreigners are coming from a country or a place where any
12 of such diseases are prevalent or widespread, the foreigner shall be detained or
13 quarantined for a reasonable period of time to enable the immigration and medical
14 officers to subject such person to observation and examination.

15 **SEC. 60. Medical Examination Requirement.** — Any arriving foreign
16 national whom the examining Immigration Officer believes to belong under the class
17 of excludable foreign nationals specified in Section 70(a) herein shall be referred to
18 designated medical officers for physical and mental examination. Such medical
19 officer shall certify his/her findings for the information of the Immigration Officer.

20 **SEC. 61. Arrival Notice Requirements of Vessel.** — The immigration
21 authorities shall be given prior notice of the arrival of any civilian vessel before such
22 vessel comes into any area in the Philippines from any place outside thereof. Such
23 prior notice shall not be required in the case of vessels with scheduled arrivals filed
24 with the Immigration Officer in charge at the international port of entry.

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

30 **SEC. 62. Contents of Notice of Arrival.** — The advance notice of arrival
31 required in the preceding section shall specify the following:

- 32 (a) Type of vessel and registration marks;
- 33 (b) Visaed crewlist;
- 34 (c) Passenger manifest;

- 1 (d) Port of last departure;
2 (e) International port of intended destination, or other place authorized by
3 the Commissioner;
4 (f) Estimated time of arrival; and
5 (g) Authorized agent or representative at the place of arrival.

6 **CHAPTER 3**
7 **FOREIGN CREWMEMBER**

8 **SEC. 63. Conditional Permit to Disembark.** — A foreign crewmember
9 of a vessel under Section 29(c) of this Act may be granted a conditional permit, in a
10 form prescribed by regulations, to disembark temporarily from the vessel on which
11 he/she arrived while such vessel remains in port under such terms and conditions as
12 may be prescribed by the Commissioner.

13 **SEC. 64. Confiscation and Cancellation of Permit; Deportation**
14 **from the Philippines.** — Upon the determination that the foreign national is not a
15 *bona fide* crewmember or does not intend to depart on the vessel that brought him,
16 the Commissioner shall cancel and confiscate the conditional permit already issued,
17 take such foreign national into custody, and require the owner, operator, captain,
18 master, pilot, agent or consignee of the vessel on which the foreigner arrived to
19 receive and detain him/her on board. The expenses for removal of the foreign
20 national, including the cost of detention and other expenses incidental thereto, shall
21 be borne by the owner, operator, captain, master, pilot, agent or consignee of such
22 vessel.

23 **SEC. 65. Liability for Overstaying Foreign Crewmen.** — A foreign
24 crewmember who remains in the Philippines in excess of the period allowed in the
25 conditional permit issued to him shall be solidarily liable with the owner, operator,
26 captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed
27 in Section 115 of this Act.

28 **SEC. 66. Liability for Unauthorized Discharge of Foreign**
29 **Crewmember.** — It shall be unlawful for any person, including the owner,
30 operator, captain, master, pilot, agent or consignee of any vessel to discharge any
31 foreign crewmember employed by a vessel arriving in the Philippines and whilst in
32 port, without first obtaining the prior permission of the Commissioner. Otherwise,
33 such person or owner, operator, captain, master, pilot, agent or consignee of the
34 vessel shall pay the Commission such fines as may be prescribed under this Act. No
35 such vessel shall be granted clearance from any port in the Philippines while such

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

4 **SEC. 67. Duty to Report Desertion or Illegal Landing of Foreign**
5 **Crewmember.** —The owner, operator, captain, master, pilot, agent or consignee of
6 any vessel shall immediately report, in writing, to the Immigration Officer all cases of
7 desertion or illegal disembarkation in the Philippines from the vessel, together with a
8 description of such foreign nationals and any information that shall result in their
9 apprehension.

10 **SEC. 68. Requirement for Submission of List of Newly Employed,**
11 **Discharged and Illegally Landed Foreign Crewmember.** — Prior to the
12 departure of any vessel from the last port in the Philippines destined to any place
13 outside thereof, the owner, operator, captain, master, pilot, agent or consignee
14 thereof shall deliver to the Immigration Officer at that port a list containing:

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

22 **SEC. 69. Liability for Failure to Submit Complete, True and**
23 **Correct Report.** — The owner, operator, captain, master, pilot, agent, or consignee
24 who fails to submit a true and complete list or report of foreign nationals or to report
25 cases of desertion or illegal landing shall pay to the Commission such sum as may be
26 prescribed under this Act. No such vessel shall be granted clearance from any port in
27 the Philippines while such fines remain unpaid or while the validity thereof is being
28 determined: *Provided*, that clearance may be granted prior to such determination
29 upon deposit of a sum or cash bond sufficient to cover such fines as approved by the
30 Commissioner.

31 **CHAPTER 4** 32 **EXCLUSIONS**

33 **SEC. 70. Exclusion Grounds.** - The following classes of foreign national
34 shall not be allowed entry and shall be excluded from the Philippines:

- 35 (a) Health Related Grounds

- (1) Those who are found to be suffering from a communicable, dangerous or contagious disease, unless excepted under existing laws, rules and regulations;
 - (2) Those who are found to be suffering from mental disorder or associated behavior that may pose threat to persons or danger to property;
 - (3) Those who are found to be suffering from addiction to prohibited or regulated substance;
- (b) Economic Grounds
- (1) Those likely to become a public charge;
 - (2) Those seeking entry for the purpose of performing skilled or unskilled labor, without a permit from the Secretary of the Department of Labor and Employment as required by law;
- (c) Moral Grounds
- (1) Those coming to the Philippines to practice polygamy or who advocate the practice of polygamy unless the person's religion allows such practices;
 - (2) Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;
 - (3) Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution;
 - (4) Those who, at the time of primary inspection, by the Immigration Officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or Commission;
- (d) Criminal and Security Grounds
- (1) Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer having committed such crime, or who attempt and conspire to commit the crime;
 - (2) Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to a controlled, regulated or prohibited

1 substance, or who admit having attempted or conspired to commit
2 the crime;

3 (3) Those that the Philippine Government knows or has reason to
4 believe is a trafficker of any controlled, regulated or prohibited
5 substance or knows or has reason to believe is or has been an
6 accomplice, accessory, abettor, or co-conspirator in the illicit
7 trafficking of any controlled, regulated or prohibited substance;

8 (4) Those who are fugitives from justice;

9 (5) Those who seek to enter the Philippines to engage in:

10 (i) Espionage or sabotage, or a violation or evasion of any laws
11 prohibiting export of goods, technology or sensitive
12 information;

13 (ii) Any activity aimed to promote membership in an
14 organization of syndicated criminal activities;

15 (iii) Any activity, the purpose of which is to overthrow the
16 Philippine government by force, violence or other unlawful
17 means; and

18 (iv) Any other unlawful activity.

19 (6) Those who are engaged or believed to be engaged or likely to
20 engage in, aid, abet or finance any terrorist activity and members
21 or representatives of a foreign terrorist organization;

22 (7) Those who have been identified by competent authorities, local or
23 foreign, as having engaged or are engaging in human trafficking
24 and smuggling;

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

31 (9) Those who have been identified by competent authorities, local
32 and foreign, as having engaged or are engaging in importation of
33 contrabands and other prohibited articles into the country.

1 **SEC. 71. *Temporary Custody of Excludable Foreign Nationals.*** —

2 For the purpose of ascertaining whether a foreign national arriving in the Philippines
3 belongs to any of the excludable classes of foreign national provided for in this Act or
4 related laws, the Immigration Officer, for a period not exceeding seventy-two (72)
5 hours, may temporarily take into custody for investigation such foreign national
6 either on board the vessel or at a place designated for the purpose at the expense of
7 the master, captain, agent, owner or consignee of the carrying vessel.

8 **SEC. 72. *Finality of Exclusion Order.*** — An order by the Immigration
9 Officer to exclude a foreign national who is excludable under Section 70 hereof is
10 final and executory unless revoked by the Commissioner upon a timely appeal prior
11 to the implementation of the exclusion order.

12 **SEC. 73. *Authority to Waive Grounds for Exclusion.*** — Except for
13 grounds of exclusion under Section 70(d), subparagraphs 1 to 7 and 9, the
14 Commissioner may waive any of the grounds for exclusion mentioned therein.

15 **SEC. 74. *Procedure of Removal and Cost Thereof.*** — Any foreign
16 national arriving in the Philippines who is ordered excluded shall be immediately
17 removed in the same accommodation to the country where he/she boarded the vessel
18 on which he/she arrived, unless the Commissioner determines that immediate
19 removal is not proper and practicable. The cost of detention and other expenses
20 incidental thereto shall be borne by the owner, operator, master, pilot, captain, agent
21 or consignee of the vessel on which he/she arrived.

22 **SEC. 75. *Country Where Removal is to be Directed.*** — If the
23 government of the country designated in the preceding section will not accept the
24 foreign national into its territory, the removal of the foreign national shall be
25 directed by the Commissioner's discretion and without necessarily giving preference,
26 either to:

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

32 **SEC. 76. *Obligation of Owner, Operator, Master, Captain, Pilot,***
33 ***Agent or Consignee.*** — It shall be unlawful for an owner, operator, master,
34 captain, pilot, agent, or consignee of a vessel to refuse or fail to:

- 1 (a) Board a foreign national ordered excluded and removed under Section
2 70 hereof in the same vessel or another vessel owned or operated by the
3 same company;
4 (b) Detain a foreign national on board any such vessel at the port of arrival
5 when required by this Act or when so ordered by an Immigration Officer;
6 (c) Deliver a foreign national for medical or other examinations when so
7 ordered by such officer;
8 (d) Remove a foreign national from the Philippines to the country to which
9 the individual's removal has been directed; or
10 (e) Pay the cost of detention and other expenses incidental thereto of a
11 foreign national incurred while being detained as required by Section 74
12 of this Act or other costs necessary or incidental to his removal as
13 provided in this Act.

14 **SEC. 77. *Penalty for Non-compliance of Obligation.*** — The owner,
15 operator, master, captain, pilot, agent, or consignee of a vessel who violated Section
16 76 hereof shall pay the fines prescribed under this Act. No such vessel shall be
17 granted clearance from any port in the Philippines while such fines remain unpaid
18 or while the validity thereof is being determined: *Provided*, That clearance may be
19 granted prior to such determination upon deposit of a sum or cash bond sufficient
20 to cover such fines as approved by the Commissioner.

21 **TITLE V**
22 **DEPORTATION**
23 **CHAPTER 1**

24 **DEPORTABLE FOREIGN NATIONALS**

25 **SEC. 78. *Classes of Deportable Foreign Nationals.*** — The following
26 foreign nationals shall be taken into custody upon the order of the Commissioner
27 and deported upon recommendation by the Board of Special Inquiry and approval by
28 the Board:

- 29 (a) Those who entered the Philippines by means of false and misleading
30 statements or documents, misrepresentations or without inspection and
31 admission by the immigration authorities;
32 (b) Those who entered the Philippines who were not lawfully admissible at
33 the time of entry;
34 (c) Those who abet or aid in the practice of prostitution, including the owner
35 or manager of a prostitution den, or are pedophiles;

- 1 (d) Those who, at any time after the date of entry, have become a public
2 charge;
- 3 (e) Those who remain in the Philippines in violation of any period of
4 limitation or condition under which they were admitted;
- 5 (f) Those who believe in, advise, advocate or teach the overthrowing by force
6 and violence of the Government of the Republic of the Philippines, or
7 duly constituted authority, or those who do not believe in or are opposed
8 to organized governments, or those who advise, advocate or teach the
9 assault or assassination of public officials by reason of their office, or
10 those who advise, advocate or teach the unlawful destruction of property,
11 or those who are members of or affiliated with any organization
12 entertaining, advocating or teaching such doctrines, or those who in any
13 manner whatsoever extend assistance, financial or otherwise, in the
14 dissemination of such doctrines;
- 15 (g) Those who, at any time after entry, engage in, abet, aid or finance any
16 terrorist activity;
- 17 (h) Those who, at any time after entry, are charged of a crime involving acts
18 or omissions punishable under Philippine penal laws cognizable by the
19 Regional Trial Courts and the *Sandiganbayan*;
- 20 (i) Those who, at any time after entry, are convicted by final judgment of a
21 crime involving moral turpitude which is punishable under Philippine
22 penal laws and cognizable by the first level courts;
- 23 (j) Those who were admitted as non-immigrants and who obtained an
24 adjustment of their admission status for convenience, or through fraud,
25 falsification of documents, misrepresentations or concealment of
26 material facts;
- 27 (k) Those who violated Philippine labor and taxation laws, rules and
28 regulations;
- 29 (l) Those who are found to be undesirable and whose further stay in the
30 Philippines is inimical to public welfare and interest, or the dignity of the
31 Filipinos, or the Republic of the Philippines as a sovereign nation;
- 32 (m) Those who forge, counterfeit, alter or falsely make any document; or use,
33 attempt to use, possess, obtain, accept or receive or provide any forged,
34 counterfeit, altered or falsely made document; or use, attempt to use,

1 provide, attempt to provide, accept or receive a genuine document, even
2 of another person, without authority to do so for the purpose of satisfying
3 or complying with the requirements of the Commission;

4 (n) Those whose presence or activities in the country may result in adverse
5 consequences to Philippine foreign policies as determined by the
6 Secretary of Foreign Affairs;

7 (o) Those who misrepresented themselves as Filipino citizens in all
8 immigration matter; and

9 (p) Those who commit any violation of the provisions of this Act,
10 independent of any criminal action which may be brought against them:
11 *Provided, however,* That in the case of a foreign national who, for any
12 reason, is convicted and sentenced to suffer both imprisonment and
13 deportation, said foreign national shall first serve the entire period of the
14 sentence before being deported.

15 **SEC. 79. *Non-Prescription of Deportation Cases.*** – The right of the
16 State to initiate at any time deportation proceedings shall not prescribe.

17 **SEC. 80. *Nature of Deportation Proceedings.*** – Deportation
18 proceedings shall be independent of any action that may be instituted against a
19 foreign national: *Provided,* That no deportation orders shall be issued against foreign
20 nationals facing preliminary investigation, prosecution and trial before competent
21 authorities.

22 **CHAPTER 2** 23 **DEPORTATION OF FOREIGN NATIONALS**

24 **SEC. 81. *Formal Charge of Deportation.*** – A formal charge for
25 deportation shall be issued upon determination of the existence of a *prima facie* case
26 against the foreign national.

27 **SEC 82. *Bail.*** – Pending final determination of the foreign national's
28 deportation case, the foreign national shall, upon the discretion of the
29 Commissioner: (a) remain under detention; or (b) be released on bail or
30 recognizance. The bail may be revoked and confiscated in favor of the government if
31 there is sufficient evidence that the foreign national is evading the proceedings or is
32 attempting to abscond, in which case he/she shall be taken into custody and placed
33 under detention by order of the Commissioner.

34 **SEC. 83. *Custody of a Foreign National Convicted of a Felony or***
35 ***an Offense.*** – After service of the sentence or compliance with the conditions of

1 parole or probation, as the case may be, the foreign national shall be taken into
2 custody for immediate deportation by order of the Board.

3 **SEC. 84. *Voluntary Deportation, When Authorized.*** – In case the
4 foreign national does not contest the formal charge against and opts to voluntarily
5 leave the country at the own expense of the foreign national, the Commissioner may
6 waive the deportation proceedings and order the departure within the period
7 specified in the voluntary deportation order: *Provided*, That the foreign national has
8 not committed any criminal offense or has no pending criminal investigation:
9 *Provided, further*, That the said foreign national so deported shall be barred from re-
10 entering the country without prior written authorization from the Commissioner.

11 **SEC. 85. *Period to Enforce Order of Deportation.*** – The order of
12 deportation shall be enforced immediately but in no case shall exceed three (3)
13 months from the date it has become final and executory. If deportation is not
14 enforced within the prescribed period, the foreign national may be released on bail or
15 recognizance.

16 **SEC. 86. *Suspension of Deportation Order.*** – The Commissioner may
17 suspend the implementation of the deportation order and order the release of the
18 foreign national on bail or recognizance, taking into account the following factors:

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

25 **SEC. 87. *Reinstatement of a Deportation Order.*** – A deportation order
26 previously implemented against a foreign national who unlawfully re-entered the
27 Philippines shall be deemed automatically reinstated and shall be implemented in
28 accordance with this Act. This provision shall also apply to a foreign national who
29 departed voluntarily under Section 84 hereof.

30 **SEC. 88. *Country of Destination of a Deportee.*** – Except as provided
31 for under existing treaty or international agreement, a foreign national shall be
32 deported to the country of which the person is a citizen or national, or to the country
33 of birth of the individual, or to the country of which the individual is a resident, or to
34 the country from which the individual embarked for the Philippines, subject to the

acceptance by the receiving country.

SEC. 89. *Cost of Deportation.* – The cost of deportation shall be borne by the owner, operator, captain, master, pilot, agent or consignee of a vessel in case its foreign crewmember is to be deported for violation of Section 90 of this Act. In all other cases, the cost of deportation shall be borne by the deportee himself/herself, the concerned consular office, nongovernment organizations or people's organizations with which the Commission has an agreement on this matter, or from the appropriations for the enforcement of this Act.

SEC. 90. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator, captain, master, pilot, agent or consignee of a vessel to take on board, guard safely and transport the deportee to the foreign national's country of destination, or to shoulder the cost of deportation of the foreign crew member as provided in Section 89 hereof, shall be punished by an administrative penalty prescribed under this Act.

SEC. 91. *Expenses of Accompanying Person.* – The Commissioner may, for security reason or by reason of the mental or physical condition of the deportee, direct an employee of the Commission to accompany such deportee to the country of the person's destination, subject to the provisions of the immediately preceding sections.

CHAPTER 3

INDIGENT FOREIGN NATIONAL

SEC. 92. *Removal of Indigent Foreign National.* – At any time after entry, the Commissioner may remove indigent foreign nationals from the Philippines to the country of which they are citizens or nationals, or country of birth, or country of residence, as the case may be. The cost of deportation may be charged against the available funds of the Commission. Any foreign national removed under this section shall be barred re-admission except upon written authorization of the Board of Commissioners.

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

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TITLE VI
MISCELLANEOUS PROVISIONS
CHAPTER 1
REGISTRATION OF FOREIGN NATIONALS

SEC. 93. Requirement of Registration. — All foreign nationals shall register with the Commission or any Immigration Office nearest to the place of residence on or before the sixtieth (60th) day of his/her latest arrival in the Philippines.

SEC. 94. Registration Form and Oath. — Applications for registration shall be under oath and in such form as prescribed by the Commission. Upon registration, a certificate of registration shall be issued by the Commission to the registrant. In case of loss or destruction of the certificate, a replacement thereof may be issued by the Commission upon proper application and payment of prescribed fees.

SEC. 95. Amendment of Registration. — A registered foreign national shall notify the Commission in writing of any change of information in the person's registration documents not later than seven (7) days thereof.

SEC. 96. Presentation of Certificate of Registration. — Every foreign national required to register under this Act or the parent or guardian of such foreign national shall, upon demand of any personnel authorized by the Commissioner, present a certificate of registration of the individual, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SEC. 97. Reportorial Requirements. — Every foreign national registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Commission. The Commissioner may exempt personal appearance of foreign nationals registered under this Act subject to certain requirements and conditions as may be prescribed in the rules and regulations issued for the purpose.

SEC. 98. Failure to Comply with Requirements. — A foreign national, or the parent or guardian of the foreign national, as the case may be, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by the individual to be false, or who utilizes registration documents other than that of the individual, shall be dealt with in accordance with the provisions of this Act and other existing laws.

1 **SEC. 99. Cancellation of Registration of Foreign National.** — In case
2 of death of a foreign national registered under the provisions of this Act, the legal
3 heir, representative or administrator of the foreign national must inform the
4 Commission within sixty (60) days from death and the Commission shall cancel such
5 registration. The Local Civil Registrar or other civil registry officer of the locality
6 where said foreign national died shall furnish the Commission with a copy of the
7 Certificate of Death within thirty (30) days from issuance thereof. Failure on the part
8 of the persons concerned to comply with the requirements of this section shall be
9 dealt with pursuant to the provisions of existing laws.

10 **CHAPTER 2**
11 **BONDS AND DEPOSITS**

12 **SEC. 100. Bonds, When Required.** — The Commission shall have the
13 authority to require cash bonds in such amounts and under such conditions as it may
14 prescribe:

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

21 **SEC. 101. Requirement of Cash Deposits for Overtime Services.** —
22 The Commission shall likewise have the authority to require cash deposits in such
23 amounts as may be necessary from vessel's owner, operator, captain, master, pilot,
24 agent, or consignee or other persons served to cover payments for overtime services
25 to be performed by officers and employees of the Commission.

26 **SEC. 102. Cancellation and Forfeiture of Bonds.** — When the
27 conditions of the bond are fulfilled, or in case of a bond posted to insure against a
28 foreign national becoming a public charge, when the Commissioner decides that the
29 likelihood no longer exists, or death of the foreign national in whose behalf the bond
30 is posted, the bond shall be cancelled and released to the depositor or the legal
31 representative of the foreign national. In case of violation of the conditions of the
32 bond, the same shall be forfeited and deposited in a trust fund account which may be
33 utilized for the purchase of passage tickets for removal of indigent foreign nationals
34 and to cover the costs of operations in locating deportees who jump bail.
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CHAPTER 3
RECOGNIZANCE

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SEC. 103. *Petitions for Recognizance, Sanction for Breach of Conditions.* — The Commissioner may order the release of a foreign national upon recognizance of the individual's lawyer or a person who is of good standing in the community, under such terms and conditions as he/she may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), without prejudice to other administrative sanctions and/or proceedings against the erring party.

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CHAPTER 4
COOPERATION AND COORDINATION WITH OTHER OFFICES

SEC. 104. *Working Cooperation with the Department of Foreign Affairs.* — For purposes of efficient implementation and administration of this Act, the Commission shall maintain a working cooperation with the Department of Foreign Affairs.

SEC. 105. *Working Cooperation with the Commission on Higher Education.* — The Commission shall maintain a working cooperation with the Commission on Higher Education with respect to accreditation of schools and learning centers for enrolment of foreign students as authorized under this Act.

SEC. 106. *Coordination with Law Enforcement, Security and Other Offices.* — The Commissioner shall have authority to maintain coordination with the National Security Council, the Philippine National Police, and other law enforcement agencies of the government.

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CHAPTER 5
FEES AND CHARGES

SEC. 107. *Authority of the Commissioner to Prescribe, Impose and Collect Fees and Charges.* — The Commissioner is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act.

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CHAPTER 6
ADMINISTRATIVE FINES AGAINST VESSELS

SEC. 108. *Fine for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew.* — Any pilot, master, agent, owner or consignee of a vessel arriving at any port in the Philippines

1 from a place outside thereof who fails to submit to the immigration authorities a
2 complete and accurate crew list or passenger manifest, or fails to produce or account
3 every crewmember or passenger whose name appears in said list or manifest shall be
4 subject to fines of One hundred thousand pesos (P100,000.00) and Fifty thousand
5 pesos (P50,000.00) for each unaccounted person, respectively.

6 **SEC. 109. *Fine for Violation of Obligation on the Landing or***
7 ***Removal of Foreign Nationals.*** — A pilot, master, agent, owner or consignee of
8 any vessel arriving at a port of the Philippines from a place outside thereof for having
9 a foreign national on board in violation of this Act shall be fined not less than Fifty
10 thousand pesos (P50,000.00) but not more than Two hundred thousand pesos
11 (P200,000.00) for each act of violation consisting of:

- 12 (a) Failure to prevent the landing of such foreign national in the Philippines
13 at any time or place other than as designated by the immigration officer;
- 14 (b) Refusal or failure to pay the cost of maintenance and other costs, as
15 required by Section 71 of this Act, of such foreign national when
16 temporarily removed from the vessels for examination by order of the
17 immigration officer;
- 18 (c) Refusal to receive such foreign national on board for removal from the
19 Philippines if the foreign national is excluded, or to pay the cost of
20 removal, if by another vessel as required under Section 76 of this Act;
- 21 (d) Making any charge against such foreign national for the cost referred to
22 in (b) above, or for the cost of the removal of the foreign national from
23 the Philippines if the latter is excluded, or taking any security from the
24 foreign national for the payment of any such costs.

25 **SEC. 110. *Fine for Bringing Undocumented Foreign National, or***
26 ***Foreign National Afflicted with Communicable or Contagious Disease,***
27 ***or Suffering from Mental Disorder.*** — The pilot, master, agent, owner or
28 consignee of the vessel arriving at a port in the Philippines from a place outside
29 thereof bringing on board an undocumented foreign national shall be fined One
30 hundred thousand pesos (P100,000.00) for each foreign national. If the foreign
31 national is afflicted with a communicable or contagious disease or is suffering from
32 mental disorder, the fine shall be not less than Two hundred thousand pesos
33 (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) for
34 each foreign national.

SEC. 111. *Fine for Bringing a Foreign National to Assist His Illegal Entry or Misrepresenting a Foreign National as a Member of the Crew.*

— The pilot, master, agent, owner or consignee of the vessel arriving at any port in the Philippines from a place outside thereof bringing on board a foreign national bound for the Philippines to assist the illegal entry of the foreign national, or misrepresenting the foreign national to the Immigration Officer at the port of arrival as a *bona fide* member of the crew, shall be fined not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each foreign national.

SEC. 112. *Fine for Violation of Other Provisions of this Act.* — The pilot, master, agent, owner or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act not specifically provided in this Chapter shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

CHAPTER 7

OTHER PENAL PROVISIONS

SEC. 113. Other Prohibited Acts and Penalties Thereof. – Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) or both, at the discretion of the court:

- (a) Impersonates another individual, or falsely appears in the name of a deceased individual, or evades the immigration laws by using an assumed or fictitious name when applying for an immigration document;
- (b) Issues or otherwise disposes of an immigration document or an immigration accountable form, to any person not authorized by law to receive such documents;
- (c) Obtains, manufactures, prints, accepts or uses any immigration or travel document knowing it to be false or uses immigration accountable form that is not legally issued;

- 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
9 Officer or not lawfully entitled to enter into or resides within the
10 Philippines, or attempts, conspires with, or aids another to commit any
11 such acts.

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

27 Conviction by final judgment of any offense punishable under this Act or other
28 related laws shall result in the automatic revocation or cancellation of any
29 immigration document issued to the offender, including that of the foreign national's
30 spouse and unmarried children, if applicable.

31 **SEC. 114. *Penalty for Non-compliance of Subpoena.*** — Any person who,
32 having been duly served with a *subpoena*, fails to comply without valid and
33 justifiable reasons shall, upon conviction, suffer the penalty of imprisonment of not

more than fifteen (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at the discretion of the court.

SEC. 115. *Penalty for an Overstaying Crewmember.* — Any foreign crewmember who wilfully remains in the Philippines beyond the period allowed for temporary landing shall, upon conviction, suffer the penalty of imprisonment of six (6) months or fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

SEC. 116. *Imposition of Maximum Penalty, When Applicable.* — A person convicted under Republic Act No. 3019, as amended, otherwise known as the “*Anti-Graft and Corrupt Practices Act*”, or other laws against corruption and bribery who shall violate or circumvent any provisions of this Act shall, upon conviction, suffer the maximum penalty for such offense as provided under this Act.

CHAPTER 8 UPGRADING OF COMPENSATION AND BENEFITS

SEC. 117. *Creation and Upgrading of Compensation.* — The basic monthly compensation of the following officials and employees of the Commission shall be as follows:

Position	Salary Grade	
	From	To
Commissioner III	30	30
Deputy Commissioner III	29	29
Executive Director	-	28
Attorney V	25	28
Deputy Executive Director I	25	27
Chief Administrative Officer	24	27
Chief Immigration Officer	24	27
Intelligence Office V	24	27
Information Technology Officer III	24	27
Attorney IV	23	27
Attorney III	21	26
Attorney II	18	25
Intelligence Office IV	22	25

1	Supervising Immigration Officer	22	25
2	Supervising Administrative Officer	22	25
3	Accountant III	19	25
4	Attorney I	16	24
5	Senior Immigration Officer	19	23
6	Administrative Officer V	18	23
7	Border Control Officer	-	22
8	Intelligence Officer III	18	21
9	Immigration Officer III	16	21
10	Intelligence Officer II	15	19
11	Immigration Officer II	13	19
12	Immigration Office I	11	17
13	Intelligence Officer I	11	17

14 On the recommendation on the Commissioner, the Board shall have the
15 authority to reorganize, upgrade, or otherwise make adjustments in, the offices of the
16 Commission as required by the implementation of this Act: *Provided*, That to the
17 extent possible, the incumbent chiefs of sections or divisions whose offices are thus
18 affected may be upgraded to positions of comparable rank in the reorganization; for
19 the new division created under this Act, the Commissioner shall designate the chiefs
20 thereof.

21 CHAPTER 9 22 TRANSITORY PROVISIONS

23 **SEC. 118. *Interim Period.*** — The incumbent Commissioner and two
24 Deputy Commissioners, if qualified under this Act, shall continue to discharge the
25 functions of their position unless otherwise removed by the President. All personnel
26 of the Bureau of Immigration shall continue to discharge the functions of their
27 position.

28 **SEC. 119. *Staffing Pattern and Salary Schedule.*** — To carry out the
29 provisions of this Act, the Commissioner shall submit a new staffing pattern and
30 salary schedule for personnel services to the Secretary of the Department of Budget
31 and Management in accordance with Section 118 taking into account the Salary
32 Standardization Law and other applicable laws under the National Compensation
33 and Classification Plan.

34 **SEC. 120. *Reorganization of the Commission.*** — Upon approval of
35 this Act, all employees of the Bureau of Immigration covered by the civil service

1 law and regulations shall continue to hold their present positions pending the
2 reorganization of the Commission in accordance with the new staffing pattern:
3 *Provided*, That the salaries, wages, allowances and other benefits of incumbent
4 officers and employees of the Commission shall not be subject to diminution:
5 *Provided, further*, That in the event that the positions are abolished in
6 accordance with the reorganization, the affected employees shall be *retained*.
7 *Provided, finally*, That employees who have been dismissed for cause shall no longer
8 qualify for any position in the Commission.

9 **SEC. 121. *Inventory and Transfer of Properties, Accounts, Assets,***
10 ***Liabilities and Obligations to the Commission.*** — All buildings, properties,
11 equipment, facilities, accounts, other assets, liabilities and other obligations as well
12 as records of the Bureau of Immigration shall be properly inventoried and
13 transferred to the Commission.

14 **SEC. 122. *Treaty or Agreement.*** — Any treaty or agreement entered into
15 between the Philippines and any foreign state before the effectivity of this Act shall
16 remain in force and effect.

17 **SEC. 123. *Pending Cases.*** — Any prosecution, suit, action, proceeding, or
18 any act or matter, civil or criminal, pending at the time of the effectivity of this Act
19 shall not be affected by the provision of this Act unless otherwise applicable.

20 **CHAPTER 10**

21 **ADMINISTRATION AND IMPLEMENTATION**

22 **SEC. 124. *Administration and Implementation Abroad.*** — The
23 administration and implementation of this Act abroad, including the rules and
24 regulations as well as specific visa policies or guidelines, shall be the responsibility of
25 the Department of Foreign Affairs, with due notice to the Commission and other
26 concerned agencies and/or offices.

27 **SEC. 125. *Implementing Rules and Regulations.*** — The Commission,
28 upon consultation with the Department of Foreign Affairs and other concerned
29 agencies or offices and subject to the approval of the Secretary, shall promulgate the
30 rules and regulations for the implementation of this Act within sixty (60) days from
31 its effectivity.

1 **CHAPTER 11**
2 **FINAL PROVISIONS**

3 **SEC. 126. *Separability Clause.*** — If any of the provisions of this Act is
4 held invalid or unconstitutional the other provisions not affected thereby shall
5 continue to be in force and effect.

6 **SEC. 127. *Repealing Clauses.*** — (a) Commonwealth Act No. 613, otherwise
7 known as the "*Philippine Immigration Act of 1940*", as amended, and Republic Act
8 No. 750, are hereby repealed; (b) All laws, presidential decrees, executive orders,
9 proclamations, memorandum orders, instructions, rules and regulations or parts
10 thereof inconsistent with this Act are hereby amended or modified accordingly.

11 **SEC. 128. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days
12 after its complete publication in the Official Gazette or in two (2) newspapers of
13 general circulation.

14 *Approved.*