

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

SENATE
S. No. 2071



'18 OCT 10 P 6:02

Introduced by **Senator Richard J. Gordon**

RECEIVED

IMMIGRATION ACT OF THE PHILIPPINES

EXPLANATORY NOTE

The Philippine Immigration Act was enacted in 1940, or seventy-eight years ago today. Since then, there have been numerous changes in immigration practices here and abroad. It is therefore both pragmatic and necessary to enact a new law that will address the present day needs of the country with regard to immigration.

This measure seeks to reorganize the Bureau of Immigration and create the Commission on Immigration in its stead to be the government agency primarily responsible for implementing and enforcing the country's laws, regulations and rules concerning the entry and admission into, stay, and departure from the Philippines of all persons.

This measure furthermore seeks to upgrade the existing positions of Immigration Officers and other Immigration personnel to adequately meet the country's rapidly increasing needs for immigration services, and to rationalize and professionalize its ranks.

In view of the foregoing, the immediate approval of this measure is hereby sought.


RICHARD J. GORDON
Senator

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IMMIGRATION ACT OF THE PHILIPPINES

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

TITLE I

GENERAL PROVISIONS

SEC. 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, the enhancement of economic diplomacy, and 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 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;

(b) 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;

(c) The need to support the country’s technological and scientific

1 development;

2 (d) The promotion of conditions for social welfare and economic security of
3 the people;

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

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

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

12 **SEC. 3. *Definition of Terms.*** — As used in this Act:

13 (a) "Admission" refers to the process by which a foreign national arriving at a
14 port of entry in the Philippines is allowed into the country by the immigration
15 authorities;

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

17 (c) "Border Control Stations" refers to immigration offices located in strategic
18 locations, as determined by the Board, and authorized to conduct border control,
19 monitoring, and surveillance to enforce immigration laws and regulations in border
20 checkpoints;

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

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

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

25 (g) "Commissioner" and "Deputy Commissioner" refer to the Commissioner of
26 Immigration and the Deputy Commissioner of Immigration, respectively;

27 (h) "Commitment Order" refers to an order issued by the Commissioner under
28 Section 10 (c) of this Act that directs the taking into custody of a foreign national
29 after it has been determined that a probable cause exists that the foreign national
30 committed acts or omissions in violation of Philippine immigration laws, rules and
31 regulations, or during the pendency of deportation proceedings against such foreign
32 national: *Provided*, That such custody shall not exceed three (3) months, unless

1 there exists other legal grounds for continued custody;

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

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

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

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

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

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

29 (l) "Exclusion" refers to the act of an Immigration Officer denying admission
30 of a foreign national into the country on grounds provided for in this Act;

31 (m) "Foreign National" refers to any person who is not a citizen of the
32 Philippines;

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

3 (o) "Immigration laws" refers to this Act and any other law presently existing
4 or which may hereafter be enacted relating to the movement of natural persons to
5 and from the Philippines;

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

9 (q) "Interception" refers to the act of Immigration Officer denying departure
10 clearance to any person leaving the Philippines on grounds provided for in this Act;

11 (r) "Non-immigrant" refers to any foreign national departing from any place
12 outside the Philippines who is allowed entry and admission into the Philippines for
13 a temporary or limited period of stay;

14 (s) "Non-refoulement" refers to a principle of international law which
15 prohibits the forced return of refugees to the state or territory where their lives or
16 liberty would be threatened;

17 (t) "Passport" refers to a document issued by the Philippine government to its
18 citizens pursuant to Republic Act No. 8239, otherwise known as *"The Philippine*
19 *Passport Act of 1996"*, as amended;

20 (u) "Person" refers to a natural or juridical person such as but not limited to
21 partnerships, corporations, companies, and associations;

22 (v) "Port of entry" refers to any port designated by the Commissioner through
23 which a foreign national may enter or exit the Philippines;

24 (w) "President" refers to the President of the Republic of the Philippines;

25 (x) "Refugee" refers to a person who, owing to a well-founded fear of being
26 persecuted for reasons of race, religion, nationality, membership in a particular
27 social group, or political opinion, is outside the country of nationality, and is unable
28 or, owing to such fear, is unwilling to avail of the protection of that country; or who,
29 not having a nationality and being outside the country of former habitual residence,
30 is unable or, owing to such fear, is unwilling to return to it;

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

1 (z) "Stateless Person" refers to a person who is not considered a national by
2 any State under the operation of its laws;

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

9 (bb) "Vessel" refers to all means of conveyances, whether aircraft or sea craft;
10 and

11 (cc) "Visa" refers to an endorsement on a passport or any travel document
12 issued by a Consular Officer abroad authorizing the holder thereof to proceed to a
13 designated port of entry in the Philippines and there to apply for entry and
14 admission under the status specified therein; or immigration status granted and/or
15 issued to foreign nationals by the Commissioner or the Board under this Act;

16 TITLE II

17 COMMISSION ON IMMIGRATION

18 CHAPTER 1

19 COMMISSION ON IMMIGRATION

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

25 **SEC. 5. *Composition and Qualification.*** — The Commission shall be
26 administered by the Board of Commissioners headed by the Commissioner as
27 Chairperson, and four (4) Deputy Commissioners as members, all of whom shall be
28 natural-born citizens of the Philippines and, at the time of their appointment, at
29 least thirty-five (35) years of age, holders of a college degree and with proven
30 capacity for administration: *Provided*, That the majority of the members shall be
31 members of the Philippine Bar in good standing for at least five (5) years.

32 CHAPTER 2

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SEC. 6. Powers and Functions of the Board. – The Board shall have the

(a) Quasi-judicial:

(1) Decide on applications or cases relative to:

- i. Deportation;
- ii. Revocation of immigration status;
- iii. Issuance and Revocation of all visas and permits;
- iv. Determine/increase the number of Quota visa allocations;
- v. Prescribe rules and regulations for temporary and permanent resident visa holders;
- vi. Forfeiture and Cancellation of visas and permits;
- vii. Lifting of Backlist due to Indigency;
- viii. Legalization of residence in accordance with law.

(2) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions in accordance with the Rules of Court.

(b) Rule-making:

- (1) Prescribe and promulgate rules of procedure for proceedings before it;
- (2) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public; and
- (3) Formulate policies, directives, programs and projects of the Commission.

The Board shall also perform such other powers and functions as provided in this Act and other existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

SEC. 7. Decisions of the Board. – In all cases or proceedings before the Board, the decision of the majority shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be filed with the Board.

Decisions in deportation cases may be appealed to the Secretary within fifteen (15) days from receipt thereof, whose decision shall be final and immediately

1 executory unless stayed by an order of the Court of Appeals.

2 The Board shall decide deportation cases within thirty (30) days from the
3 date they are submitted for decision or resolution.

4 **SEC. 8. *Meetings of the Board.*** – In all cases, the Board of Commissioners
5 shall convene and act as a collegial body in all matters referred to in Section 6 of
6 this Act. The Board shall meet at least once a week or, if necessary, twice a week.
7 Members of the Board shall be notified accordingly and the presence of the
8 Chairperson and two (2) members shall constitute a quorum.

10 **CHAPTER 3**

11 **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

12 **SEC. 9. *Appointment of the Commissioner.*** — The Commissioner shall be
13 appointed by the President.

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

17 (a) Supervise, direct and coordinate the overall operations of the Office;

18 (b) Exercise control and supervision over officers and personnel of the
19 Commission, including but not limited to appointments, promotion, reassignments
20 and other personnel movements, subject to existing laws, rules and regulations;

21 (c) Issue, (1) letter orders after determination of the existence of probable
22 cause for the purpose of deportation; (2) commitment or release orders; (3)
23 warrant of deportation; (4) order to inspect the documents, premises and records of
24 persons covered by this Act; (5) Mission Orders; and (6) derogatory information
25 orders defined in Section 3(k) of this Act

26 (d) Delegate authority to subordinate Immigration officers and Immigration
27 employees, except the powers and functions enumerated in the immediately
28 preceding paragraph, which may be delegated only to Deputy Commissioners;

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

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

32 (g) Control the opening and closure of posts, landing places, airports or ports
33 classified as points of entry or exit, whether limited or unlimited;

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

3 (i) Act on applications for retention or reacquisition of citizenship in
4 accordance with Republic Act No. 9225, and other existing laws, based on the
5 recommendations of the Board of Special Inquiry;

6 (j) Issue Certificates of Identification to foreign nationals who have been
7 granted Philippine citizenship;

8 (k) Deputize, subject to the concurrence of the Board, any official or employee
9 of the national government and local government units, including uniformed
10 personnel of the Armed Forces of the Philippines, the Philippine National Police and
11 the Philippine Coast Guard to assist Immigration Officers and other Immigration
12 employees in the performance of their duties and functions, subject to the
13 concurrence of the Board;

14 (l) Authorize and prescribe the form and the amount of cash bonds for the
15 provisional release of respondents in deportation proceedings;

16 (m) Impose reasonable fines and penalties for violations of immigration
17 and alien registration laws in accordance with this Act, other existing laws, rules and
18 regulations not inconsistent with any of the provisions of this Act and the guidelines
19 adopted by the Board;

20 (n) Provide an express lane for the rendition of services upon payment of
21 prescribed fees by persons served;

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

25 (p) Submit to the President and Congress, annually or as may be directed, a
26 report on: (1) the number and status of foreign nationals in the Philippines; (2)
27 foreign nationals admitted or granted change of status as permanent residents; (3)
28 foreign nationals who have been excluded or deported from the Philippines; (4) the
29 estimated number of illegal foreign nationals in the Philippines in each calendar
30 year and actions taken to arrest them, grouped by nationality, for each region in the
31 Philippines; and (5) such other transactions of the Commission;

32 (q) Assign immigration employees to do overtime work or services pursuant

1 to existing rules and regulations;

2 (r) Determine the manning levels of immigration officers and personnel
3 nationwide in accordance with the number of arrivals in each port of entry as
4 determined by the Board: *Provided*, That for every three hundred (300) passengers,
5 there shall be one (1) Immigration Officer in an eight-hour shift; *Provided, further*,
6 That for every two (2) Immigration Officer, additional positions shall be created
7 accordingly;

8 (s) Exercise disciplinary authority over the Commission’s employees;

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

11 (u) Prescribe, with the concurrence of the Board, the appropriate forms,
12 bonds, reports, entries and other papers in accordance with this Act; and

13 (v) Perform such other functions inherent to the Commission.

14 **SEC. 11. Appointment, Rank and Duties of Deputy Commissioners. —**

15 There shall be four (4) Deputy Commissioners who shall be appointed by the
16 President. They shall have the same rank, salary and privileges of an Assistant
17 Secretary of a Department. In addition to their duties as members of the Board, the
18 Deputy Commissioners may be assigned by the Commissioner to supervise different
19 divisions of the Commission clustered as follows: (a) regulatory; (b) border control;
20 (c) enforcement; and (d) management support.

21 **SEC. 12. Creation of Positions and Compensation for Co-Terminus Officials**
22 **and Employees.** – The following co-terminus positions are hereby created for the
23 Office of the Commissioner and Deputy Commissioners, except for the position of
24 Executive Officer III/Board Secretary, which shall be assigned only to the Office of
25 the Commissioner. The basic monthly compensation of the following co-terminus
26 officials and employees shall be as follows:

27

28 POSITION	SALARY GRADE
29 Board Secretary	28
30 Executive Officer IV	22
31 Executive Officer III	20

32

CHAPTER 4**THE BOARD SECRETARY**

SEC. 13. *Qualification of Board Secretary.* – There shall be a Board Secretary who shall be appointed by the Commissioner and must be a member of the Philippine Bar.

SEC. 14. *Powers and Duties.* – The Board Secretary shall

- (a) Act as the Board Secretary in the meetings of the Board;
- (b) Prepare the agenda for the deliberations of the Board on deportation cases;
- (c) Such other functions as may be assigned by the Board.

CHAPTER 5**THE BOARDS OF SPECIAL INQUIRY**

SEC. 15. *Constitution of the Boards of Special Inquiry.* – There shall be constituted as many Boards of Special Inquiry (BSI) as required in the exigency of service. Each Board shall be composed of a Chairperson and two (2) members. The Overall Chairperson of the BSI shall sit as the Chairperson of the First Board of the BSI and shall have the same position as a Director with a Salary Grade of 26. The BSI shall be designated according to their areas of specialization to be determined by the Board.

SEC. 16. *Appointment and Qualification of the Chairpersons and Members of the BSI.* – The Chairpersons and members of the BSI shall be appointed by the Commissioner, all of whom shall be citizens of the Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, and engaged in the practice of law for at least three (3) years.

SEC. 17. *Powers and Functions of the BSI.* – The BSI shall:

- (a) Recommend to the Board for final resolution cases and applications relative to:
 - (1) Deportation;
 - (2) Revocation of immigration status;
 - (3) Recognition of Philippine citizenship by reason of, among others, birth, naturalization, election or marriage;

(4) Reacquisition/Retention of Philippine citizenship under Republic Act No. 9225 and other related laws;

(5) Legalization of residence in accordance with law; and

(6) Issuance of visa for stateless person/refugee.

(b) Issue subpoena in cases being heard by the BSI;

(c) Cite and punish for contempt in the exercise of their quasi-judicial functions, 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. 18. *Proceedings Before the BSI and Resolutions.* – 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 shall appear for and in behalf of any party before 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 6

DIVISIONS AND OTHER OPERATING OFFICES

SEC. 19. *Divisions and Other Operating Offices.* — The Commission shall have the following divisions and other operating offices, namely:

A. Divisions:

(1) Finance and Administration;

(2) Information and Communications Technology;

(3) Planning and Research;

(4) Alien Registration;

(5) Immigration Regulation;

(6) Intelligence and Investigation;

- (7) Law Enforcement;
- (8) Port Operations; and
- (9) Legal.

B. Regional Offices shall be created according to political regions.

SEC. 20. *Heads of the Divisions and Other Operating Units.* — Each Division shall be headed by a Director II with a Salary Grade of 26 and assisted by a Deputy Director with a Salary Grade of 25: *Provided* That the Directors and Deputy Directors shall be appointed by the Secretary, upon recommendation of the Commissioner. *Provided further* That the Director for Legal and Complaint and Prosecution Divisions shall be a member 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 the Finance Division shall be a Certified Public Accountant in good standing for at least three (3) years.

SEC. 21. *Duties and Functions of the Divisions and Other Operating Offices.*
– The different divisions and other operating offices shall have such number of Immigration Officers and other Immigration employees to carry out their respective duties and functions as may be defined by the Commissioner in the implementing rules and regulations.

CHAPTER 7

IMMIGRATION OFFICIALS AND PERSONNEL

SEC. 22. *Officials and personnel.* – The following are the officials and personnel of the Commission who shall perform the duties and functions enumerated in this Act. The basic monthly compensation of the following officials and employees of the Commission shall be as follows:

ITEMS	SALARY GRADE
Commissioner III	30
Deputy Commissioner III	29
Executive Director	28
Director II	26
Deputy Director	25
Chief Special Inquiry Officer	28
Special Inquiry Officer II	25

1	Special Inquiry Officer II	23
2	Immigration Prosecutor III	26
3	Immigration Prosecutor II	25
4	Immigration Prosecutor I	24
5	Immigration Investigator II	17
6	Immigration Investigator I	16
7	Immigration Translator II	12
8	Immigration Legal Assistant	10
9	Chief District Officer	27
10	Supervising Immigration	
11	Officer	26
12	Senior Immigration Officer	24
13	Border Control Officer	22
14	Immigration Officer III	21
15	Immigration Officer II	18
16	Immigration Officer I	16
17	Immigration Agent III	15
18	Immigration Agent II	13
19	Immigration Agent I	11
20	Immigration Assistant	9

21 On recommendation of the Commissioner, the Board shall have the authority to
 22 reorganize, upgrade, or otherwise make adjustments in the items of the personnel
 23 and offices as required by the implementation of this Act; *Provided*, That to the
 24 extent possible, the incumbents chiefs of sections or divisions whose offices are
 25 thus affected may be upgraded to positions of comparable rank in the
 26 reorganization; for the new division to be created under this Act, the Commissioner
 27 shall designate the chiefs thereof.

28 **SEC. 23. Powers and Functions.** – The Immigration Officers shall have the
 29 following powers and functions:

- 30 (a) Examine, with the assistance and advice of medical authorities in
- 31 appropriate cases, foreign nationals at the port of entry concerning their
- 32 admissibility to enter and their qualifications to remain in the Philippines;

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

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

4 (d) Search for foreign nationals on any vessel believed to be used to illegally
5 bring foreign nationals into the Philippines, and to take into custody without
6 warrant any foreign national who in one's presence or view is entering or is about to
7 enter the Philippines in violation of immigration and related laws, rules and
8 regulations;

9 (e) Act as control personnel with authority to prevent the departure of
10 passengers who do not comply with duly published departure requirements;

11 (f) Detect and report violations of the immigration and registration laws and,
12 in appropriate cases, take the necessary actions upon the instructions of the
13 Commissioner; and,

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

16 **SEC. 24. *Appointment of Immigration Officers.***— No person shall be
17 appointed to the position of Immigration Officer unless he or she is a holder of a
18 bachelor's degree and a first grade civil service eligible.

19 **SEC. 25. *Deployment of Immigration Officers Abroad.***— Within ninety (90)
20 days from the effectivity of this Act the Commission shall promulgate the
21 implementing rules and regulations on the assignment and deployment of
22 Immigration Officers to select consular posts abroad who shall, subject to the
23 pertinent provisions of Republic Act No. 7157 or the "*Philippine Foreign Service Act*
24 *of 1991*", perform immigration duties, except diplomatic and consular functions.

25 CHAPTER 8

26 OTHER OFFICES

27 **SEC. 26. *Field Offices.*** — The Commission shall operate and maintain a field
28 office in each of the administrative or political regions including the National Capital
29 Region.

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

32 **SEC. 27. *Changes in the Composition, Distribution of Assignment of Field***

1 **Offices.** – The Commissioner may make changes in the composition, distribution and
2 assignment of field offices, as well as its personnel, based on the demographics of
3 the foreign nationals and as the exigency of the service requires.

4 **SEC. 28. Border Control Stations.** – There shall be established Border
5 Control Stations which shall be manned by Border Control Officers appointed by the
6 Commissioner. The Border Control Stations shall be placed in specific areas in the
7 Philippines which shall be determined by the Board.

8 **TITLE III**
9 **IMMIGRATION**

10
11 **CHAPTER 1**
12 **NON-IMMIGRANTS**
13

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

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

20 (1) Business (A-1 Visa): Temporary visitors engaged in activities of a
21 commercial or professional nature for a foreign employer or for
22 themselves that will not result in gainful employment in the
23 Philippines. As used herein, the term “business” refers to conventions,
24 conferences, consultations and other legitimate activities of a
25 commercial or a professional nature, but does not include local
26 employment or labor for hire;

27 (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines
28 for holiday, including sightseeing, recreation or visiting relatives; and

29 (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines to
30 avail of medical treatment.

31 (b) Transit Persons (B Visa): Persons passing through the Philippines solely
32 for a “stop over” who have a confirmed connecting flight to another country or
33 passengers in immediate and continuous transit to a destination outside the
34 Philippines;

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

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

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

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

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

- 22 i. Heads of State and/or Heads of Government and their personal
23 representatives;
- 24 ii. Members of reigning royal families from countries recognized by
25 the Philippine Government;
- 26 iii. Governors-General, Governors, and High Commissioners of
27 dependent territories and their personal representatives;
- 28 iv. Cabinet ministers and their deputies, and officials with cabinet
29 rank of ministers;
- 30 v. Presiding officers of national legislative bodies;
- 31 vi. Justices or judges of the highest national judicial bodies;
- 32 vii. Diplomats and career consular officials on foreign assignment in

- 1 the Philippines;
- 2 viii. Military, naval, air and other attaches assigned to a diplomatic
- 3 mission; and
- 4 ix. Accompanying spouses and unmarried dependents of foreigners
- 5 within the abovementioned categories;
- 6 (2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official
- 7 of a foreign government recognized by the Philippines and who is a
- 8 national of the country whose government he represents, and is
- 9 proceeding to the Philippines on a long-term basis in connection with
- 10 official business for such foreign official's government.
- 11 This category includes, *inter alia*, the following classes of foreign
- 12 nationals:
- 13 i. Administrative and technical members of the staff of a
- 14 diplomatic or consular mission;
- 15 ii. Officials participating in programs under the auspices of the
- 16 Philippine Government or recognized international institutions;
- 17 and
- 18 iii. Accompanying spouses and unmarried dependents of foreigners
- 19 within the abovementioned categories;
- 20 (3) Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official
- 21 of a foreign government recognized by the Philippines, is a national of
- 22 the country whose government he represents, and is proceeding to the
- 23 Philippines on a short-term basis in connection with official business
- 24 for such foreign official's government.
- 25 This category includes, *inter alia*, the following classes of foreign
- 26 nationals:
- 27 i. Diplomatic couriers regularly and professionally employed as
- 28 such;
- 29 ii. All members of official special missions of a diplomatic
- 30 character;
- 31 iii. Members of delegations proceeding to or from an international
- 32 conference of a diplomatic or official nature; and

1 iv. Such other officials going to the Philippines on diplomatic or
2 official missions;

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

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

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

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

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

31 (i) Representatives of Accredited International Organizations and
32 Government Agencies (I Visa): Foreign officials and staff of accredited international

1 organizations, including their dependent family members, staff, and household
2 members shall be granted I Visas divided into four (4) types, namely:

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

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

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

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

15 The term "accredited international organization" includes any public
16 international organization engaged in activities of which the Philippines participates
17 pursuant to any treaty or under the authority of any act of the Congress of the
18 Philippines authorizing such participation or making an appropriation for such
19 participation and such other international organizations, institutions, agencies,
20 programs, foundations and entities which are recognized by the government of the
21 Republic of the Philippines, including those existing and already recognized as such
22 at the time of the effectivity of this Act.

23 All visas under this Act shall be exclusively issued and renewed by the
24 Department of Foreign Affairs, which shall also determine the type of I Visa of
25 officials and staff of International Organizations who are not identified in the
26 foregoing list. The grant of immunities and privileges shall be subject to applicable
27 domestic and international law, relevant Headquarters Agreements, and
28 international agreements to which the Philippines is a party.

29 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
30 accredited by the government agency concerned, who are bona fide representatives
31 of a foreign press, radio, satellite, television, film, or other information media, and
32 are coming to the Philippines solely to engage in gathering information principally

1 for dissemination abroad, including their family members accompanying or
2 following to join them during the period of the assignment in the Philippines;

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

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

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

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

21 CHAPTER 2

22 IMMIGRANTS

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

29 (a) First Preference: Those whose service and qualifications show high
30 educational attainment, technical training, specialized experience, or exceptional
31 ability in the sciences, arts, professions, or business as would reasonably enhance
32 and contribute substantial benefits prospectively to the national economy, or

1 cultural or educational interests or welfare of the Philippines, including their family
2 members, accompanying or following to join them, who shall likewise be allotted
3 individual quota numbers;

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

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

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

9 **SEC. 31. Allotment of Quota.** — The Commissioner shall, with respect to the
10 first preference, allot not more than fifty (50%) of the annual quota allotment up to
11 the end of June of each year: *Provided, however,* That if the fifty percent (50%) is not
12 utilized by the first preference, the balance thereof shall be given to the second,
13 third, and fourth preferences in accordance with the preceding section. Any unused
14 quota allotment for a calendar year cannot be carried over and utilized for the
15 ensuing calendar year.

16 **SEC. 32. Basis in Determination of Quota Allotment.** — The nationality of
17 immigrants whose admission is subject to the numerical limitation imposed by
18 Section 31 of this Act shall be that of the country of which the immigrant is a
19 national or a citizen. The nationality of immigrants possessing dual nationality may
20 be that of either of the two countries regarding them as a national or citizen if they
21 apply for a visa in a third country. If such immigrants apply for a visa within one of
22 the two countries regarding them as a national or citizen, their nationality shall be
23 that of the country in which they filed their application for a visa to enter the
24 Philippines.

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

28 (a) The spouse of a Philippine citizen: *Provided,* That abandonment by the
29 foreign spouse, the failure to give support by the foreign spouse to the Filipino
30 spouse and family, and the legal separation or termination of the marital status by
31 annulment, declaration of nullity of marriage or divorce where the cause is
32 attributable to the foreign spouse, shall constitute grounds for cancellation of the

1 immigrant visa issued to the foreign spouse;

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

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

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

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

12 (f) A natural-born citizen who becomes a naturalized citizen of a foreign
13 country and is returning to the Philippines for permanent residence therein,
14 including the spouse and minor children accompanying or following to join such
15 person; and

16 (g) Spouse, parent, children, legitimate siblings of a foreign national who is
17 gainfully employed and holder of a permanent resident status for a period of seven
18 (7) years.

19 CHAPTER 3

20 CESSATION OF NATIVE-BORN REGISTRATION

21 **SEC. 34. *Cessation of Native Born Registration.*** — At the effectivity of this
22 Act, the Commission shall no longer receive new Native Born (NB) applications.
23 Instead, applicants for NB registration shall be directed to file for an immigrant visa
24 under Section 33 (d) of this Act.

25 **SEC. 35. *Existing NB Registration.*** – Existing NB registrations shall be
26 respected and shall remain in effect.

27 Existing NB-registered foreigners shall be allowed to renew their registration
28 in accordance with the lawful permanent resident status previously granted them.

29 Upon renewal of registration for NB, the ARD shall register them as Section
30 33 (d) immigrant visa holders without need of new application for said immigrant
31 visa.

32 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 the foreign national at the time of 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 the application.

SEC. 37. *Effect of Approval on Application for Adjustment.* — Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission as a permanent resident as of the date of the approval of the application and shall be included as part of the quota for the calendar year in accordance with Section 30 of this Act.

SEC. 38. *Adjustment of Status, When Not Allowed.* — Adjustment of status under this Act shall not be applicable to:

(a) a foreign national who has violated or is in violation of immigration laws, rules and regulations unless the violation is without the fault of the foreign national or for purely technical reasons; and

(b) transients.

SEC. 39. *Loss of Status.* — A registered foreign national, except a temporary visitor, who fails to return to the Philippines within a period of one (1) year from departure shall lose the status granted under Title III of this Act. Such foreign national may apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges in order to maintain the status granted or visa category.

CHAPTER 5

DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

1 **SEC. 40. Documentary Requirements of Non-immigrants.** – Non-
2 immigrants must present for admission into the Philippines valid passports issued
3 by the governments of the countries to which they owe allegiance or other travel
4 documents showing their nationality and identity as prescribed by regulations, a
5 valid visa granted by the Philippine Consular Officer, if required, and such other
6 relevant documents as may be required under existing laws, rules, regulations, or
7 multilateral or bilateral agreements.

8 **SEC. 41. Conditions and Period of Authorized Stay of Temporary Visitors.**
9 — The initial period of authorized stay of a foreign national admitted as a
10 temporary visitor under Section 29 (a) of this Act shall not exceed fifty-nine (59)
11 calendar days from the date of arrival, subject to bilateral, regional and multilateral
12 visa agreements entered into by the Philippines: *Provided*, That the conditions for
13 extensions and total period of authorized stay shall be prescribed by the
14 Commissioner: *Provided, further*, That during the foreign national's authorized stay,
15 such foreign national: (a) shall not take any employment, whether paid or unpaid;
16 (b) shall not establish or join in any business; and (c) shall not enroll or become a
17 student at a school, college, university, academy, or other educational institution,
18 unless granted, upon proper application, a conversion to another immigration status
19 provided under this Act.

20 **SEC. 42. Conditions for Issuance of Pre-Arranged Employment Visas.** — A
21 foreign national who is coming to the Philippines for prearranged employment shall
22 not be issued a non-immigrant visa referred to in Section 36(g) until the Consular
23 Officer shall have received authorization for the issuance of the same. Such
24 authorization shall be given only upon the filing of a petition with the Board
25 establishing, among others, that no person can be found in the Philippines willing
26 and competent to perform the work or service for which the foreigner is desired and
27 that the admission would be beneficial to the public interest. The petition shall be
28 under oath by the prospective employer or the latter's representative in the form
29 and manner prescribed by the Board.

30 If the Board finds that the petition complies with the requirements of the
31 preceding paragraph and of other regulations, it shall grant the petition and shall
32 promptly transmit the authorization to the Immigration Attaché.

SEC. 43. *Submission of Crew List and Passenger Manifest.* – Simultaneous to the vessel's departure from the port of origin, the master, captain, agent, owner or consignee of any commercial vessel arriving to the Philippines shall submit, within a reasonable time prior to such arrival, the crew lists, passenger manifests and such other information concerning the persons arriving on such a vessel. In the same manner and condition, the master, captain, agent, owner or consignee of any commercial vessel departing from any port in the Philippines shall submit, within a reasonable time prior to such departure, the crew list, passenger manifest and such other information concerning the persons departing on such vessel. The crew list of an incoming sea craft shall contain the appropriate visa granted by the Immigration Attaché.

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

SEC. 45. *Permission for Temporary Landing of a Foreign Crewmember.* — A foreign crewmember on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as may be prescribed by the Commissioner. All expenses incurred by the Office while the crewmember is on land shall be borne by the master, captain, agent, owner or consignee of the carrying vessel.

CHAPTER 6

DOCUMENTATION AND ADMISSION OF IMMIGRANTS

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

(a) A child born subsequent to the issuance of a valid immigrant visa to the

1 accompanying parent;

2 (b) A child born during the temporary visit abroad of the mother who is a
3 lawful permanent resident of the Philippines and a holder of a valid re-entry permit,
4 if the child is accompanied by either parent within five (5) years from the date of the
5 child's birth; and

6 (c) A foreign national who is returning to an unrelinquished lawful
7 permanent residence in the Philippines after a temporary residence abroad and
8 presents for admission a valid re-entry permit.

10 CHAPTER 7

11 VISA ISSUANCE

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

16 **SEC. 48. *Visa Policy.*** – The policies governing the issuance, extension,
17 renewal and conversion of visas referred to in this Act shall be formulated by the
18 Commission and, when appropriate, in consultation with concerned government
19 agencies and offices.

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

23 (a) Upon approval by the Commissioner and recommendation by a Consular
24 Officer, a quota immigrant visa may only be issued to a foreign national who has
25 made a proper application therefor, which shall specify the nationality to which the
26 quota number is assigned, the immigrant's particular status in such country, the
27 preference to which the foreign national is classified, the date on which the validity
28 of the visa shall expire, and such additional information as may be required; and

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

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

SEC. 57. *Requirements for Physical and Mental Examination Prior to Issuance of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign national, the Consular Officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Commissioner.

SEC. 50. *Visa Validity Period.* — A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 41 of this Act shall be valid for a period not exceeding three (3) months: *Provided*, That in prescribing the validity period of a single-entry non-immigrant visa, the Immigration Attaché may allow a longer validity period based on reciprocity as accorded by the foreign country to citizens of the Philippines who are within a similar class.

An immigrant visa may be replaced under the original number during the calendar year in which the original visa was issued to a foreign national who establishes to the satisfaction of the Immigration Attaché that the original immigrant visa was not used during the period of its validity for reasons beyond the visa holder's control: *Provided*, That the foreign national is found by the Immigration Attaché to be eligible for another immigrant visa and has paid all the fees.

SEC. 51. *Denial of Visa; Grounds.* — The Consular Officer may deny the application for visa (a) if it appears from the statements in the application or in the documents submitted the applicant is not eligible for a visa under this Act; or (b) if the applicant fails to comply with the requirements of the provisions of this Act.

SEC. 52. *Revocation of Visa Issued by Consular Officer.* — The Commissioner may, for valid cause and upon confirmation by the Department of Foreign Affairs, revoke a visa issued by any Consular Officer. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, the admission or entry of the foreign national shall be determined by the Immigration Officer upon arrival at the port of entry.

CHAPTER 8

RE-ENTRY AND EMIGRATION CLEARANCE

SEC. 53. *Re-entry.* — In all instances when a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign national must secure a re-entry permit or, if the authorized stay is less than one (1) year, a Special Return Certificate, and pay the corresponding fees and charges therefor.

SEC. 54. *Emigration Clearance.* – A registered foreign national who departs permanently from the Philippines shall surrender all Philippine immigration documents and apply for and be issued an Emigration Clearance Certificate, subject to the following conditions:

(a) The immigrant has no pending obligation with the government or any of its agencies or instrumentalities;

(b)The immigrant has no pending criminal, civil, or administrative proceeding which requires continued presence in the country; and

(c) There is no ongoing legislative inquiry where the immigrant is called upon to testify as a witness.

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

CHAPTER 9

PRESIDENTIAL PREROGATIVES

SEC. 55. *Presidential Prerogatives.* — Any provision of this Act to the contrary notwithstanding, the President may:

(a) Deny the entry and admission into the Philippines of, or impose such restrictions as may be deemed appropriate on, any foreign national or a class of foreign nationals, whenever the President finds that such entry would be detrimental to the interest of the Philippines;

(b) Waive passport or documentary requirements for non-immigrants and immigrants under such terms and conditions as may be prescribed;

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

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

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

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

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

10
11 **TITLE IV**

12 **PROVISIONS RELATING TO ENTRY**

13 **CHAPTER 1**

14 **CLASSIFICATION OF PORTS OF ENTRY**

15 **SEC. 56. *Authority to Classify Ports.*** – The Commissioner shall classify and
16 designate, from among the ports of entry established by law for immigration
17 purposes, limited or unlimited ports of entry through which foreign nationals may
18 be admitted into the Philippines. Only such classes of foreign nationals as provided
19 under the rules and regulations prescribed by the Commissioner may be admitted at
20 limited ports of entry. The Commissioner may, after due notice to the public, close
21 designated ports of entry in the interest of national security or public safety.

22
23 **CHAPTER 2**

24 **PROCEDURES ON ARRIVAL**

25 **SEC. 57. *Inspection by Immigration Officer.*** — A foreign national seeking
26 admission or readmission shall present a valid passport and visa, if required, to the
27 Immigration Officer at the port of entry and shall be subject to primary inspection.
28 The decision of the examining Immigration Officer, if favorable to the admission of
29 any foreigner, may be challenged by another Immigration Officer on any ground
30 provided in this Act. The final determination on the admissibility of such foreign
31 national shall be determined by the Commissioner in case no resolution is reached
32 between the Immigration Officers on the challenged admission. In case of admission,
33 the Immigration Officer shall indicate in the passport the date, the port of entry and

1 the identity of the vessel boarded.

2 **SEC. 58. *Detention or Quarantine for Examination.*** — For the purpose of
3 determining whether a foreign national arriving at any port in the Philippines
4 belongs to any of the classes excludable under this Act by reason of being afflicted
5 with any of the contagious or communicable disease or mental disorder as set forth
6 under Section 69 (a) of this Act or whenever the Commissioner has received
7 information showing that foreigners are coming from a country or a place where
8 any of such diseases are prevalent or widespread, the foreigner shall be detained or
9 quarantined for a reasonable period of time to enable the immigration officers and
10 medical officers to subject such person to observation and examination.

11 **SEC. 59. *Medical Examination Requirement.*** – Any arriving foreign national
12 whom the examining Immigration Officer believes to belong under the class of
13 excludable foreign nationals specified in Section 69 (a) of this Act shall be referred
14 to designated medical officers for physical and mental examination. Such medical
15 officer shall certify the findings of the examination for the information of the
16 Immigration Officer.

17 **SEC. 60. *Arrival Notice Requirements of Vessel.*** – The immigration
18 authorities shall be given prior notice of the arrival of any civilian vessel before such
19 vessel comes into any area in the Philippines from any place outside thereof. Such
20 prior notice shall not be required in the case of vessels with scheduled arrivals filed
21 with the Immigration Officer in charge at the international port of entry.

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

27 **SEC. 61. *Contents of Notice of Arrival.*** — The advance notice of arrival
28 required in the preceding section shall specify the following:

29 (a) Type of vessel and registration marks;

30 (b) Duly visaed crewlist;

31 (c) Passenger manifest;

32 (d) Port of last departure;

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

3 (f) Estimated time of arrival; and

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

5 CHAPTER 3

6 FOREIGN CREWMEMBER

7 **SEC. 62. *Conditional Permit to Disembark.*** — A foreign crewmember of a
8 vessel under Section 43 of this Act may be granted a conditional permit, in a form
9 prescribed by regulations, to disembark temporarily from the vessel on which such
10 crewmember arrived while the vessel remains in port under such terms and
11 conditions as may be prescribed by the Commissioner.

12 **SEC. 63. *Confiscation and Cancellation of Permit; Deportation from the***
13 ***Philippines.*** — Upon the determination that the foreign national is not a bona fide
14 crewmember or does not intend to depart on the vessel that brought him, the
15 Commissioner shall cancel and confiscate the conditional permit already issued,
16 take such foreign national into custody, and require the owner, operator, captain,
17 master, pilot, agent or consignee of the vessel on which the foreigner arrived to
18 receive and detain the foreigner on board. The expenses for removal of the foreign
19 national, including the cost of detention and other expenses incidental thereto, shall
20 be borne by the owner, operator, captain, master, pilot, agent or consignee of such
21 vessel.

22 **SEC. 64. *Liability for Overstaying Foreign Crewmen.*** — A foreign
23 crewmember who remains in the Philippines in excess of the period allowed in the
24 conditional permit issued shall be solidarily liable with the owner, operator, captain,
25 master, pilot, agent or consignee of the vessel to pay the penalties prescribed in
26 Section 111 of this Act.

27 **SEC. 65. *Liability for Unauthorized Discharge of Foreign Crewmember.*** —
28 It shall be unlawful for any person, including the owner, operator, captain, master,
29 pilot, agent or consignee of any vessel to discharge any foreign crewmember
30 employed by a vessel arriving in the Philippines and while in port, without first
31 obtaining the prior permission of the Commissioner. Otherwise, such person or
32 owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay

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

6 **SEC. 66. *Duty to Report Desertion or Illegal Landing of Foreign***
7 ***Crewmember.*** —The owner, operator, captain, master, pilot, agent or consignee of
8 any vessel shall immediately report, in writing, to the Immigration Officer all cases
9 of desertion or illegal disembarkation in the Philippines from the vessel, together
10 with a description of such foreign nationals and any information that shall result in
11 their apprehension.

12 **SEC. 67. *Requirement for Submission of List of Newly Employed,***
13 ***Discharged and Illegally Landed Foreign Crewmember.*** — Prior to the departure
14 of any vessel from the last port in the Philippines destined to any place outside
15 thereof, the owner, operator, captain, master, pilot, agent or consignee thereof shall
16 deliver to the Immigration Officer at that port a list containing:

17 (a) The names of crewmembers who were not employed thereon at the time
18 of the vessel's arrival on such port but will depart thereat on the same vessel;

19 (b) The names of those who have been discharged, if any;

20 (c) The names of those who have deserted or illegally landed at that port, if
21 any; and

22 (d) Such other additional information as the Commissioner deems necessary.

23 **SEC. 68. *Liability for Failure to Submit Complete, True and Correct Report.***
24 — The owner, operator, captain, master, pilot, agent, or consignee who fails to
25 submit a true and complete list or report of foreign nationals or to report cases of
26 desertion or illegal landing shall pay such sum as may be prescribed under this Act.
27 No vessel shall be granted clearance from any port in the Philippines while such
28 fines remain unpaid or while the validity thereof is being determined: *Provided*, that
29 clearance may be granted prior to such determination upon deposit of a sum or cash
30 bond sufficient to cover such fines as approved by the Commissioner.

31
32 **CHAPTER 4**

EXCLUSIONS

SEC. 69. *Exclusion Grounds.* - The following classes of foreign national shall not be allowed entry and shall be excluded from the Philippines:

(a) Health Related Grounds

1. Those who are found to be suffering from a communicable, dangerous or contagious disease, 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 a 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 personnel or any government official or employee;

(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

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

1 the discretion of the Commissioner, if otherwise admissible:
2 *Provided*, That they present a written consent to travel from either
3 parent citing the purpose thereof and affirmed by a Consular
4 Officer; and

- 5 9. Those who have been identified by competent authorities, local and
6 foreign, as having engaged or are engaging in importation of
7 contrabands and other prohibited articles into the country.

8 **SEC. 70. *Temporary Custody of Excludable Foreign Nationals.*** — For the
9 purpose of ascertaining whether a foreign national arriving in the Philippines
10 belongs to any of the excludable classes of foreign national provided for in this Act
11 or related laws, the Immigration Officer, for a period not exceeding seventy-two
12 (72) hours, may temporarily take into custody for investigation such foreign
13 national either on board the vessel or at a place designated for the purpose at the
14 expense of the master, captain, agent, owner or consignee of the carrying vessel.

15 **SEC. 71. *Finality of Exclusion Order.*** — An order by the Immigration Officer
16 to exclude a foreign national who is excludable under this Act is final and executory
17 unless revoked by the Commissioner upon a timely appeal prior to the
18 implementation of the exclusion order.

19 **SEC. 72. *Authority to Waive Grounds for Exclusion.*** — Except for grounds of
20 exclusion under Section 69 (d), subparagraphs 1 to 7 and 9, the Commissioner may
21 waive any of the grounds for exclusion mentioned in Section 69 of this Act.

22 **SEC. 73. *Procedure of Removal and Cost Thereof.*** — Foreign nationals
23 arriving in the Philippines who are ordered excluded shall be immediately removed
24 in the same accommodation to the country where they boarded the vessel on which
25 they arrived, unless the Commissioner determines that immediate removal is not
26 proper and practicable, in which case such excluded foreign nationals shall be
27 ordered detained. The cost of detention and other expenses incidental thereto shall
28 be borne by the owner, operator, master, pilot, captain, agent or consignee of the
29 vessel on which such foreigners arrived.

30 **SEC. 74. *Country Where Removal is to be Directed.*** — If the government of
31 the country designated in the preceding section will not accept the foreign national
32 into its territory, the removal of the foreign national shall be directed, at the

1 Commissioner's discretion and without necessarily giving preference, either to:

2 (a) The country which the excluded foreigner is a citizen or national;

3 (b) The country of birth;

4 (c) The country of the foreign national's habitual residence; or

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

7 **SEC. 75. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or***
8 ***Consignee.*** — It shall be unlawful for an owner, operator, master, captain, pilot,
9 agent, or consignee of a vessel to refuse or fail to:

10 (a) Board a foreign national ordered excluded and removed in the same
11 vessel or another vessel owned or operated by the same company;

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

14 (c) Deliver a foreign national for medical or other examinations when so
15 ordered by an Immigration Officer;

16 (d) Remove a foreign national from the Philippines to the country to which
17 the individual's removal has been directed; or

18 (e) Pay the cost of detention and other expenses incidental thereto incurred
19 while the excluded foreign national is being detained as required by Section 73 of
20 this Act or other costs necessary or incidental to his removal as provided in this Act.

21 **SEC. 76. *Penalty for Non-compliance of Obligation.*** — The owner, operator,
22 master, captain, pilot, agent, or consignee of a vessel who violates Section 75 of this
23 Act shall pay the fines prescribed in this Act. No vessel shall be granted clearance
24 from any port in the Philippines while such fines remain unpaid or while the
25 validity thereof is being determined: *Provided*, That clearance may be granted prior
26 to such determination upon deposit of a sum or cash bond sufficient to cover such
27 fines as approved by the Commissioner.

28
29 **TITLE V**

30 **DEPORTATION**

31 **CHAPTER 1**

32 **DEPORTABLE FOREIGN NATIONALS**

1 **SEC. 77. *Classes of Deportable Foreign Nationals.*** – The following foreign
2 nationals shall be taken into custody upon the order of the Commissioner and
3 deported upon recommendation by the Board of Special Inquiry and approval by the
4 Board:

5 (a) Those who entered the Philippines: (1) by means of misrepresentations
6 or false or misleading statements or documents, or (2) without inspection and
7 admission by the immigration authorities;

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

10 (c) Those who abet or aid in the practice of prostitution, including the
11 owner or manager of a prostitution den, or who are pedophiles;

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

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

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

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

27 (h) Those who, at any time after entry, are charged of a crime involving acts
28 or omissions punishable under Philippine penal laws cognizable by the Regional
29 Trial Courts and the *Sandiganbayan*;

30 (i) Those who, at any time after entry, are convicted by final judgment of a
31 crime involving moral turpitude punishable under Philippine penal laws;

32 (j) Those who were admitted as non-immigrants and who obtained an

1 adjustment of their admission status for convenience, or through fraud, falsification
2 of documents, misrepresentations or concealment of material facts;

3 (k) Those who violated Philippine labor and taxation laws, rules and
4 regulations;

5 (l) Those who are found to be undesirable and whose further stay in the
6 Philippines is inimical to public welfare and interest, or the dignity of the Filipinos,
7 or the Republic of the Philippines as a sovereign nation;

8 (m) Those who forge, counterfeit, alter or falsely make any document; or use,
9 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,
10 altered or falsely made document; or use, attempt to use, provide, attempt to
11 provide, accept or receive a genuine document, even of another person, without
12 authority to do so for the purpose of satisfying or complying with the requirements
13 of the Commission;

14 (n) Those whose presence or activities in the country may result in adverse
15 consequences to Philippine foreign policies as determined by the Secretary of the
16 Department of Foreign Affairs;

17 (o) Those who misrepresented themselves as Filipino citizens in all
18 immigration matters; and,

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

24 **SEC. 78. *Non-Prescription of Deportation Cases.*** – The right of the State to
25 initiate at any time deportation proceedings shall not prescribe.

26 **SEC. 79. *Nature of Deportation Proceedings.*** – Deportation proceedings
27 shall be independent of any action that may be instituted against a foreign national:
28 *Provided,* That no deportation orders shall be issued against foreign nationals facing
29 preliminary investigation, prosecution and trial before competent authorities.

30 CHAPTER 2

31 DEPORTATION OF FOREIGN NATIONALS

32 **SEC. 80. *Formal Charge of Deportation.*** – A formal charge for deportation

1 shall be issued upon determination of the existence of a *prima facie* case against the
2 foreign national.

3 **SEC. 81. *Bail.*** – Pending final determination of the foreign national's
4 deportation case, the foreign national shall, upon the discretion of the
5 Commissioner: (a) remain under detention; or (b) be released on bail or
6 recognizance. The bail may be revoked and confiscated in favor of the government
7 if there is sufficient evidence that the foreign national is evading the proceedings or
8 is attempting to abscond, in which case such foreign national shall be taken into
9 custody and placed under detention by order of the Commissioner.

10 **SEC. 82. *Custody of a Foreign National Convicted of a Felony or an Offense.***
11 – After service of the sentence or compliance with the conditions of parole or
12 probation, as the case may be, the foreign national shall be taken into custody for
13 immediate deportation by order of the Board.

14 **SEC. 83. *Voluntary Deportation, When Authorized.*** – In case the foreign
15 national does not contest the formal charge and opts to voluntarily leave the
16 country at the own expense of the foreign national, the Commissioner may waive
17 the deportation proceedings and order the departure of the foreign national within
18 the period specified in the voluntary deportation order: *Provided*, That the foreign
19 national has not committed any criminal offense or has no pending criminal
20 investigation: *Provided, further*, That the said foreign national so deported shall be
21 barred from re-entering the country without prior written authorization from the
22 Commissioner.

23 **SEC. 84. *Period to Enforce Order of Deportation.*** – The order of deportation
24 shall be enforced immediately but in no case shall exceed three (3) months from the
25 date it has become final and executory. If deportation is not enforced within the
26 prescribed period, the foreign national may be released on bail or recognizance.

27 **SEC. 85. *Suspension of Deportation Order.*** – The Commissioner may
28 suspend the implementation of the deportation order and order the release of the
29 foreign national on bail or recognizance, taking into account the following factors:

- 30 (a) Age, health, family or conduct;
31 (b) Period of detention;
32 (c) Impact on national security and public welfare;

- (d) Unavailability of travel documents;
- (e) Existence of an application for refugee or statelessness status; or
- (f) Other humanitarian considerations.

SEC. 86. *Reinstatement of a Deportation Order.* – A deportation order previously implemented against a foreign national who unlawfully re-entered the Philippines shall be deemed automatically reinstated and shall be implemented in accordance with this Act. This provision shall also apply to a foreign national who departed voluntarily under Section 83 and re-entered the Philippines unlawfully or without prior written authorization from the Commissioner.

SEC. 87. *Country of Destination of a Deportee.* – Except as provided for under an existing treaty or international agreement, a foreign national shall be deported to the country of which the person is a citizen or national, or to the country of birth of the individual, or to the country of which the individual is a resident, or to the country from which the individual embarked for the Philippines, subject to the acceptance by the receiving country.

SEC. 88. *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 under Section 85 of this Act. In all other cases, the cost of deportation shall be borne either by the deportee, by 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. 89. *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 the preceding Section, shall be punished by an administrative penalty prescribed under Section 111 of this Act.

SEC. 90. *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

1 of the deportee's destination, subject to the provisions of Section 87.

2 CHAPTER 3

3 INDIGENT FOREIGN NATIONAL

4 **SEC. 91. *Removal of Indigent Foreign National.*** – At any time after entry, the
5 Commissioner may remove indigent foreign nationals from the Philippines to the
6 country of which they are citizens or nationals, their country of birth, or their
7 country of residence, as the case may be. The cost of deportation may be charged
8 against the available funds of the Commission. Any foreign national removed under
9 this section shall be barred re-admission except upon written authorization of the
10 Board of Commissioners.

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

16 TITLE VI

17 MISCELLANEOUS PROVISIONS

18 CHAPTER 1

19 REGISTRATION OF FOREIGN NATIONALS

20 **SEC. 92. *Requirement of Registration.*** — All foreign nationals shall register
21 with the Commission or any Immigration Office nearest to their place of residence
22 on or before the sixtieth (60th) day of their latest arrival in the Philippines.

23 **SEC. 93. *Registration Form and Oath.*** — Applications for registration shall
24 be under oath and in such form as prescribed by the Office. Upon registration, a
25 certificate of registration shall be issued to the registrant. In case of loss or
26 destruction of the certificate, a replacement certificate may be issued upon proper
27 application and payment of prescribed fees.

28 **SEC. 94. *Amendment of Registration.*** — A registered foreign national shall
29 notify the Commission in writing of any change of information in the person's
30 registration documents not later than seven (7) days from such change.

31 **SEC. 95. *Presentation of Certificate of Registration.*** — Every foreign
32

1 national required to register under this Act or the parent or guardian of such foreign
2 national shall, upon demand by any personnel authorized by the Commissioner,
3 present a certificate of registration of such individual, and failure to do so without
4 justifiable cause shall be dealt with in accordance with the provisions of this Act.

5 **SEC. 96. Reportorial Requirements.** — Every foreign national registered
6 under this Act shall, within the first sixty (60) days of every calendar year, report in
7 person to the Commission. The Commissioner may exempt personal appearance of
8 foreign nationals registered under this Act subject to certain requirements and
9 conditions as may be prescribed in the rules and regulations issued for the purpose.

10 **SEC. 97. Failure to Comply with Requirements.** — A foreign national, or the
11 parent or guardian of the foreign national, who, without justifiable reason, fails to
12 comply with all the requirements under this Act, or who files an application for
13 registration containing statements known by the individual to be false, or who
14 utilizes registration documents other than that of the individual, shall be dealt with
15 in accordance with the provisions of this Act and other existing laws.

16 **SEC. 98. Cancellation of Registration of Foreign National.** — In case of
17 death of a foreign national registered under the provisions of this Act, the legal heir,
18 representative or administrator of the foreign national must inform the Commission
19 within sixty (60) days from such death, and the Office shall cancel the registration of
20 the deceased foreign national. The Local Civil Registrar or other civil registry officer
21 of the locality where said foreign national died shall furnish the Commission with a
22 copy of the Certificate of Death within thirty (30) days from issuance thereof.
23 Failure on the part of the persons concerned to comply with the requirements
24 specified in this section shall be dealt with pursuant to the provisions of existing
25 laws.

26 CHAPTER 2

27 BONDS AND DEPOSITS

28 **SEC. 99. Bonds, When Required.** — The Commission shall have the authority
29 to require cash bonds in such amounts and under such conditions as it may
30 prescribe:

31 (a) To control and regulate the admission into, and departure from, the
32 Philippines of foreign nationals applying for temporary admission;

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

3 (c) To ensure the appearance of foreign nationals released from custody
4 during the course of deportation proceedings instituted against them.

5 **SEC. 100. *Cancellation and Forfeiture of Bonds.*** – When the conditions of
6 the bond are fulfilled, or in case of a bond posted to insure against a foreign national
7 becoming a public charge under Section 69 (b) when the Commissioner decides that
8 the likelihood no longer exists, or in case of death of the foreign national in whose
9 behalf the bond is posted, the bond shall be cancelled and released to the depositor
10 or the legal representative of the foreign national. In case of violation of the
11 conditions of the bond, the same shall be forfeited and deposited in a trust fund
12 account which may be utilized for the purchase of passage tickets for the removal of
13 indigent foreign nationals and to cover the costs of operations in locating deportees
14 who jump bail.

15 **CHAPTER 3**
16 **RECOGNIZANCE**

17 **SEC. 101. *Petitions for Recognizance, Sanction for Breach of Conditions.*** —
18 The Commissioner may order the release of a foreign national upon recognizance of
19 the foreigner's lawyer or a person who is of good standing in the community, under
20 such terms and conditions as the Commissioer may prescribe. Failure to comply
21 with the terms and conditions of the recognizance shall subject said lawyer or
22 person to a fine of not less than Fifty thousand pesos (P50,000.00) but not more
23 than One hundred thousand pesos (P100,000.00), without prejudice to other
24 administrative sanctions or proceedings against the erring party.

25
26 **CHAPTER 4**
27 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

28 **SEC. 102. *Working Cooperation with the Department of Foreign Affairs.*** –
29 For purposes of efficient implementation and administration of this Act, the
30 Commission shall maintain a working cooperation with the Department of Foreign
31 Affairs.

32 **SEC. 103. *Working Cooperation with the Commission on Higher***

1 **Education.** – The Commission shall maintain a working cooperation with the
2 Commission on Higher Education with respect to the accreditation of schools and
3 learning centers for enrollment of foreign students as authorized under this Act.

4 **SEC. 104. Working Cooperation with the Civil Aviation Authority of the**
5 **Philippines.** – The Commission shall maintain a working cooperation with the Civil
6 Aviation Authority of the Philippines (CAAP) with respect to accreditation of flying
7 schools for the enrollment of foreign students.

8 **SEC. 105. Coordination with Law Enforcement, Security and Other Offices.**
9 — The Commissioner shall have the authority to maintain coordination with the
10 National Security Council, the Philippine National Police, and other law enforcement
11 agencies of the government.

12
13 **CHAPTER 5**
14 **FEES AND CHARGES**

15 **SEC. 106. Authority of the Commissioner to Prescribe, Impose and Collect**
16 **Fees and Charges.** — The Commissioner is authorized to prescribe, impose and
17 collect fees and charges for services rendered pursuant to the provisions of this Act.

18 **SEC. 107. Retention and Use of Income.** – For a more effective
19 implementation of this Act, the Commission shall be authorized to retain and,
20 subject to the approval of the President, use thirty percent (30%) of collection of its
21 annual collections from express lane fees and charges to augment the salaries of the
22 Commission’s employees who render services beyond regular office hours and to
23 establish a Provident Fund for the benefit of the Commission’s employees. The
24 Department of Budget and Management and the Department of Justice shall, upon
25 approval of the President, jointly issue the necessary guidelines to implement this
26 section.

27 **CHAPTER 6**
28 **ADMINISTRATIVE FINES AGAINST VESSELS**

29 **SEC. 108. Fine for Failure to Submit Crew List or Passenger Manifest, or**
30 **Failure to Account Every Passenger and Crew.** — Any owner, operator, master,
31 captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines
32 from a place outside thereof who fails to submit to the immigration authorities a

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

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

11 (a) Failure to prevent the landing of such foreign national in the Philippines
12 at any time or place other than as designated by the Immigration Officer;

13 (b) Refusal or failure to pay the cost of maintenance and other costs, as
14 required by this Act, of such foreign national when temporarily removed from the
15 vessels for examination by order of the Immigration Officer;

16 (c) Refusal or failure to deliver a foreign national on board any such vessel
17 at the port of arrival when required by this Act or when so ordered by an
18 Immigration Officer;

19 (d) Refusal or failure to pay the cost of maintenance and other costs, as
20 required by this Act, of such foreign national when temporarily removed from the
21 vessels for examination by order of the Immigration Officer;

22 (e) Refusal to receive such foreign national on board for removal from the
23 Philippines if the foreign national is excluded, or to pay the cost of removal as
24 required under Section 73 and 88 of this Act;

25 (f) Refusal or failure to take on board, guard safely and transport the
26 deportee to the foreign national's country of destination, or to shoulder the cost of
27 deportation of the foreign crew member;

28 (g) Making any charge against such foreign national for the cost referred to
29 in (b) above, or for the cost of the removal of the foreign national from the
30 Philippines if the latter is excluded, or taking any security from the foreign national
31 for the payment of any such costs.

32 **SEC. 110. *Fine for Bringing Undocumented Foreign National, or Foreign***

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

10 ***SEC. 111. Fine for Bringing a Foreign National to Assist His Illegal Entry or***
11 ***Misrepresenting a Foreign National as a Member of the Crew.*** — The owner,
12 operator, master, captain, pilot, agent, or consignee of the vessel arriving at any port
13 in the Philippines from a place outside thereof bringing on board a foreign national
14 bound for the Philippines to assist the illegal entry of the foreign national, or
15 misrepresenting the foreign national to the Immigration Officer at the port of arrival
16 as a bona fide member of the crew, shall be fined not less than One hundred
17 thousand pesos (P100,000.00) but not more than Two hundred thousand pesos
18 (P200,000.00) for each foreign national.

19 ***SEC. 112. Fine for an Overstaying Crewmember.*** — Any foreign
20 crewmember who wilfully remains in the Philippines beyond the period allowed for
21 temporary landing shall be fined not less than Fifty thousand pesos (P50,000.00)
22 but not more than One hundred thousand pesos (P100,000.00). The owner,
23 operator, master, captain, pilot, agent, or consignee of the vessel shall be solidarily
24 liable for the fine imposed on such overstaying crewmember.

25 **CHAPTER 7**

26 **OTHER PENAL PROVISIONS**

27 ***SEC. 113. Other Prohibited Acts and Penalties.*** – Any person who shall
28 commit any of the acts specified hereunder shall, upon conviction, suffer the penalty
29 of imprisonment for not less than five (5) years but not more than ten (10) years, or
30 a fine of not less than One hundred thousand pesos (P100,000.00) but not more
31 than Five hundred thousand pesos (P500,000.00), or both imprisonment and fine, at
32 the discretion of the court:

1 (a) Impersonating another individual, or falsely appearing in the name of a
2 deceased individual, or evading immigration laws by using an assumed or fictitious
3 name when applying for an immigration document;

4 (b) Issuing or otherwise disposing of an immigration document or an
5 immigration-accountable form to any person not authorized by law to receive such
6 documents;

7 (c) Obtaining, manufacturing, printing, accepting or using any immigration
8 or travel document knowing it to be false, or using an immigration accountable form
9 that is not legally issued;

10 (d) Entering the Philippines without inspection and admission by the
11 immigration authorities, or obtaining entry into the Philippines through fraud,
12 misrepresentation, or concealment of material facts;

13 (e) Misrepresenting oneself to be a citizen of the Philippines;

14 (f) Knowingly making any false statement under oath regarding any
15 immigration matter; or

16 (g) Bringing into, or landing in the Philippines, or concealing, harboring,
17 employing, or giving comfort to, any person not duly admitted by an Immigration
18 Officer or not lawfully entitled to enter into or reside within the Philippines, or
19 attempting, conspiring with, or aiding another to commit any such acts.

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

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

5 **SEC. 114. *Penalty for Aiding the Escape of Detained Foreign National.*** —
6 Any person who shall be found to have helped, assisted, supported, caused or
7 ministered the escape, including harbouring and concealing, of a detained foreign
8 national shall, upon conviction, be imprisoned for not less than five (5) years but not
9 more than ten (10) years and a fine of not less than Two hundred thousand pesos
10 (P200,000.00): *Provided*, That if the person liable is a foreign national, such person
11 shall be deported after service of sentence: *Provided further*, That any tool,
12 equipment, implement or vehicle used in the escape of a detained foreign national
13 shall be destroyed or forfeited in favor of the government.

14 **SEC. 115. *Penalty for Non-compliance of Subpoena.*** — Any person who,
15 having been duly served with a *subpoena*, fails to comply without valid and
16 justifiable reasons shall suffer the penalty of imprisonment of not more than fifteen
17 (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at the
18 discretion of the court.

19 **SEC. 116. *Imposition of Maximum Penalty, When Applicable.*** – A person
20 convicted under Republic Act No. 3019, as amended, otherwise known as the “*Anti-*
21 *Graft and Corrupt Practices Act*”, or other laws against corruption and bribery in
22 relation to any violation or circumvention of any provision of this Act shall, upon
23 conviction, suffer the maximum penalty for such offense.

24 25 CHAPTER 8

26 TRANSITORY PROVISIONS

27 **SEC. 117. *Interim Period.*** — The incumbent Commissioner and the two
28 Deputy Commissioners, if qualified under this Act, shall continue to discharge the
29 functions of their position unless otherwise removed by the President. All personnel
30 of the present Immigration shall continue to discharge the functions of their
31 position pending the reorganization as provided in this Act. Qualified Personnel
32 with training or experience shall be recruited or appointed to fill up vacant positions

for proper implementation of this Act.

SEC. 118. Reorganization. — Upon approval of this Act, all employees of the Bureau of Immigration covered by the civil service law and regulations shall continue to hold their present positions pending the reorganization of the Commission in accordance with the new staffing pattern: *Provided*, That the salaries, wages, allowances and other benefits of incumbent officers and employees of the Commission shall not be subject to diminution: *Provided, further*, That employees who have been dismissed for cause shall no longer qualify for any position in the Commission.

To carry out the provisions of this Act, the Commissioner shall submit a new staffing pattern and salary schedule for personnel services to the Secretary of the Department of Budget and Management taking into account the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan.

SEC. 119. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission.* — All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Commission.

SEC. 120. *Treaty or Agreement.* – Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

SEC. 121. *Pending Cases.* – Any prosecution, suit, action, proceeding, or any act or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be affected by any of the provisions of this Act unless otherwise explicitly stated herein.

CHAPTER 9

ADMINISTRATION AND IMPLEMENTATION

SEC. 122. *Administration and Implementation Abroad.* – The administration and implementation of this Act abroad, including the rules and regulations, and specific visa policies or guidelines, shall be the responsibility of the

1 Department of Foreign Affairs, with due notice to the Commission and other
2 concerned agencies and offices.

3 **SEC. 123. *Implementing Rules and Regulations.*** — The Commission, in
4 coordination with the Department of Budget and Management, shall promulgate the
5 rules and regulations for the effective implementation of this Act within sixty (60)
6 days from its effectivity.

7 **SEC. 124. *Appropriations.*** – The amount necessary to cover the initial
8 implementation of this Act shall be charged against the following: (a) the current
9 year’s appropriation of the Bureau of Immigration; and immigration fees, fines and
10 other income authorized under this Act.

11 Thereafter, such sums as maybe needed for its continued implementation
12 shall be included in the annual general appropriations act and from the immigration
13 trust fund.

14 15 **CHAPTER 10**

16 **FINAL PROVISIONS**

17 **SEC. 125. *Separability Clause.*** — Should any provision of this Act be
18 declared invalid, the remaining provisions shall continue to be in force and effect.

19 **SEC. 126. *Retroactive Application.*** - The renaming of positions with the
20 corresponding increase in salary grade and allowances enumerated in Title II of this
21 Act shall be effective January 1, 2017.

22 **SEC. 127. *Repealing Clause.***– Commonwealth Act No. 613, as amended, and
23 Republic Act No. 750 are hereby repealed. All other laws, presidential decrees,
24 executive orders, proclamations, memorandum orders, instructions, rules and
25 regulations or parts thereof inconsistent with this Act are hereby amended or
26 modified accordingly.

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

Approved,