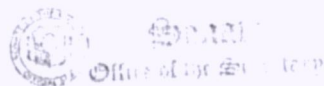


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

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S.B. NO. 885

RECEIVED _____ 

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING
ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The 1987 Constitution provides that the prime duty of the government is to serve and protect the people. It further provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare, are essential for a democratic government.

This bill seeks to modernize Commonwealth Act 613, the "Philippine Immigration Act of 1940" – and now 79 years old! While several laws have been enacted to address more recent national concerns, such as R.A. 9165 or the "Comprehensive Dangerous Drugs Act of 2002," R.A. 9208 or the "Anti-Trafficking in Persons Act of 2003," R.A. 9372 or the "Human Security Act of 2007," and R.A. 10168 or the "Terrorism Financing Prevention and Suppression Act of 2012," a thorough and substantial revamp of Philippine immigration law has not yet been undertaken.

President Rodrigo Roa Duterte's war against illegal drugs launched in 2016 is challenged by drug syndicates, operating international courier and smuggling networks, largely unabated through national airports, ports, and other points of

entry. The Philippine Drug Enforcement Agency admits that at least four international drug cartels freely trade within Philippine territory, including the notorious Golden Triangle syndicate, which owned both the massive Batangas and Malabon laboratories. Obviously, modern syndicated crime, utilizing transnational organizations and digital technologies, is hardly contemplated by the antiquated Commonwealth Act 613 that governs Philippine immigration.

Further, the continued influx of foreign *jihadists* is a security treat that must be addressed by border control and immigration. Defense Secretary Delfin Lorenzana recently confirmed that 100 foreign *jihadists* presently operate in various areas in Mindanao, their entry and personal circumstances largely unknown to the defense and police departments. He also confirmed the presence of seven (7) Islamic State (IS) terrorists, allegedly Egyptian, Malaysian, Indonesian and Singaporean – each affiliated with the Abu Sayyaf group in the south¹. President Rodrigo Duterte himself expressed alarm over the presence of these *jihadists*, saying he hoped the Philippines could be “spared from a possible ISIS attack”².

Another pressing concern is the massive influx of foreign nationals into the country in the wake of an aggressive tourism push. Apparently entering as mere tourists or legitimate investors, a number of these foreigners have either dubious status or questionable interests. Firstly, there are the largely Chinese Philippine Offshore Gaming Operator (POGOs) agents entering the Philippines on a tourist visa, quickly absorbed upon arrival as employees of at a POGO. Similar illegal entrants are Korean crime suspects, Indian workers and other foreigners who apparently exploit Philippine immigration and other laws with impunity.

Sadly, the Bureau of Immigration has been plagued through the decades with controversy. Lately, the issuance of the Visa-Upon-Arrival (VUA) drew fire

¹ <https://www.msn.com/en-ph/news/national/dnd-verifying-presence-of-100-jihadists-in-mindanao/ar-AAER9x2?li=BBr8Mkn&ocid=iehp>

² <https://www.cnnphilippines.com/news/2019/8/5/Rodrigo-Duterte-ISIS.html>

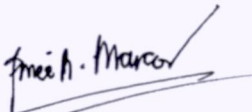
when the Bureau admitted to having issued "special employment visas" to 119,000 foreigners in 2018 alone. Already, the President threatened in 2018, "there's a lot of stupid things going on. Do not do that because one mistake, I will hit back. Either I'll kill you, make you an example or throw you in Jolo."³ And last April 2019, he finally ordered the suspension of 18 Bureau of Immigration and Deportation (BID) personnel, including intelligence officers, accused of extorting millions from foreign nationals.

Given therefore the critical role of the Bureau of Immigration as the nation's main gatekeeper, it is vital that Commonwealth Act 613 and the Bureau of Immigration be finally modernized and be brought up to the challenges of the present age.

Hence, some of the salient points of this proposed bill are the following:

- a. The reorganization of the structure of the Bureau of Immigration and the upgrading of the existing positions of its operations and administrative personnel to adequately meet the country's rapidly increasing immigration services;
- b. the expansion of the functions of the Commissioner, the Deputy Commissioners and the Board of Commissioners;
- c. the prohibition of the conversion of "A Visa" to employment visa;
- d. the strengthening of the Bureau's role in border control; and
- e. the provision of sanctions for failure to provide advanced passenger information to the Bureau.

In view of the foregoing, the immediate approval of this bill is herewith urged.


IMEE R. MARCOS

³ <https://philippineslifestyle.com/immigration-staff-duterte-threat/>

SENATE



Office of the Secretary

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Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING
ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES**

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

TITLE I

GENERAL PROVISIONS

Section 1. *Short Title.* -- This Act shall be known as the "Philippine
Immigration Act of 2019."

Sec. 2. *Declaration of Policy.* -- In relation to other states, the Philippine
shall give paramount importance to national sovereignty, territorial integrity, national
security, national interest, and the right to self-discrimination, as it adheres to the
policy of peace, cooperation and amity with all nations. Towards this end, Philippine
immigration policies, rules and regulations under this Act shall be applied and
administered for Philippine domestic and international interests, thusly:

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

(b) the need to increase technological and scientific development;

- (c) upholding social welfare and economic security of all people;
- (d) compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;
- (e) promotion of international order and justice, without prejudice to denying entry into Philippine territory to persons linked to transnational syndicated crime terrorism and other nefarious activities towards strengthening border security;
- (f) modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and
- (g) professionalization of the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

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

- (a) "Admission" refers to the process by which a foreigner arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;
- (b) "Board" refers to the Board of Commissioners;
- (c) "Border Control Officer" refers to any person tasked to man the border control station as provided under Section 26 of this Act;
- (d) "Captain" refers to the master of a vessel or pilot of an aircraft;
- (e) "Child" refers to a person below eighteen (18) years of age;
- (f) "Citizen" refers to any person who is a citizen of the Philippines under Section 1, Article IV of the Constitution of the Republic of the Philippines;
- (g) "Commission" refers to the Commission on Immigration;

1
2 (h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner of
3 Immigration and the Deputy Commissioner of Immigration, respectively;
4

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

13 j) "Consular officer" refers to any consular, diplomatic, or other officer of the
14 Government of the Philippines who has been duly granted a consular commission for
15 the purpose of issuing visas under this Act;
16

17 (k) "Entry" refers to the arrival of a foreigner into any designated port of entry in the
18 Philippines from a place outside thereof. A foreigner having a lawful permanent
19 residence in the Philippines shall not be regarded as making an entry for the purpose
20 of this Act if such foreigner proves that his/her departure to a place outside the
21 Philippines was for a temporary or limited period, or his/her continued absence from
22 the Philippines was occasioned by deportation proceedings, extradition, or other
23 legal process;
24

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

27 (m) "Foreigner" or "Foreign National" refers to any person not a citizen of the
28 Philippines;
29

30 (n) "Foundling" refers to a deserted or abandoned infant or child whose parents,
31 guardian or relatives are unknown; or a child committed to an orphanage or

1 charitable or similar institution with unknown facts of birth and parentage and
2 registered in the Civil Registrar as a "foundling";

3
4 (o) "Hold Departure Order" refers to (1) a directive that commands the
5 Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the
6 Philippines in cases of grant of bail and recognizance pending implementation of
7 Summary Deportation Order, or (2) an order implementing a directive from the
8 President, the Senate, the House of Representatives, the Department of Justice
9 (DOJ), Regional Trial Courts, Sandiganbayan, and appellate courts to prevent a
10 person from leaving the Philippines to any place outside thereof;

11
12 (p) "Husband" and/or "Wife" refer(s) to those regarded as such by the laws of the
13 country of which they are nationals but shall not include husband or wife by reason
14 of proxy or "picture marriage";

15
16 (q) "Immigrant" refers to any foreign national departing from any place outside the
17 Philippines destined for the Philippines, other than a non-immigrant;

18
19 (r) "Immigration laws" refers to this Act and any other law presently existing or
20 which may hereafter be enacted relating to movement of natural persons to and
21 from the Philippines, and their exclusion, interception, deportation and repatriation;

22
23 (s) "Immigration Officer" refers to any person appointed under Section 28 of this Act
24 or any employee of the Commission designated by the Commissioner to perform the
25 powers, duties and functions of an Immigration Officer as specified under this Act;

26
27 (t) "Interception" refers to the act of Immigration Officers denying departure
28 clearance to any person leaving the country on grounds provided for in this Act;

29
30 (u) "Non-immigrant" refers to any foreigner departing from any place outside the
31 Philippines who is allowed entry and admission into the Philippines for a temporary
32 or limited period of stay;

1
2 (v) "Non-refoulment" refers to a principle of international law which prohibits the
3 forced return of a refugee to the state or territory where his/her life or liberty would
4 be threatened;

5
6 (w) "Passport" refers to a document issued by the Philippine government to its
7 citizens requesting other governments to allow its citizens to pass safely and freely,
8 and in case of need to give him all lawful aid and protection;

9
10 (x)"Person" refers to a natural and juridical person such as partnerships,
11 corporations, companies, and associations;

12
13 (y) "Port of entry" refers to any port designated by competent authority in
14 accordance with law through which a foreigner may apply to the Immigration Officer
15 thereat for admission into the Philippines;

16
17 (z) "President" refers to the President of the Republic of the Philippines;

18
19 (aa) "Refugee" refers to a person who, owing to a well-founded fear of being
20 persecuted for reasons of race, religion, nationality, membership of a particular
21 social group, or political opinion, is outside the country of his/her nationality, and is
22 unable, or owing to such fear, is unwilling to avail of the protection of that country;
23 or who, not having a nationality and being outside the country of his/her former
24 habitual residence, is unable or, owing to such fear, is unwilling to return to it;

25
26 (bb) "Seaman," "Seafarer" or "Crewmember" refers to a person actually employed in
27 the operation or service in any capacity on board a vessel;

28
29 (cc) "Secretary" refers to the Secretary of the Department of Justice;

30
31 (dd) "Stateless Person" refers to a person who is not considered as a national by any
32 State under the operation of its laws;

1
2 (ee) "Travel document" refers to a certification or identifying document containing
3 the description and other personal circumstances of its bearer, issued for direct
4 travel to and from the Philippines valid for short periods or a particular trip. It is
5 issued only to persons whose claim to Philippine citizenship is doubtful or who fall
6 under the category enumerated in Section 13 of Republic Act No. 8239, otherwise
7 known as "The Philippine Passport Act of 1996";

8
9 (ff) "Vessel" refers to all means of conveyances, whether aircraft or sea craft;

10
11 (gg) "Visa" refers to an endorsement on a passport or any travel document issued
12 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 foreigners by the Commissioner or the Board under this Act; and

16
17 (hh) "Watchlist Order" refers to an order issued by the Commissioner under Section
18 7 (c) (4) of this Act that requires immigration personnel to monitor and/or prevent
19 the departure of any person for a period of fifteen (15) days, extendible for another
20 fifteen (15) days, and to notify concerned government or law enforcement agencies,
21 where his/her presence is required in criminal or legislative proceedings or he/she
22 poses or may pose a threat to national security, public health or public safety.

23 TITLE II

24 THE BUREAU OF IMMIGRATION

25 CHAPTER 1

26 THE BUREAU

27
28
29 SEC. 4. *Creation.* —The Bureau of Immigration, hereinafter referred to as the
30 Bureau, shall be under the control and supervision of the Department of Justice
31 (DOJ). The Bureau shall be principally responsible for the administration and

1 enforcement of this Act, and the implementation of all laws, rules regulations or
2 orders of any competent authority concerning the entry and admission into, stay in
3 and the departure from the Philippines of all persons.

4
5 The Bureau may seek the assistance of other government entities as well as
6 local government units in gathering intelligence, protecting the country's borders,
7 and otherwise ensuring national security, public safety, public morals, and public
8 health, in pursuance of its mandate under R.A. 9165 or the Comprehensive
9 Dangerous Drugs Act of 2002, R.A. 9208 or the Anti-Trafficking in Persons Act of
10 2003, R.A. 9372 or the Human Security Act of 2007, and R.A. 10168 or the
11 Terrorism Financing Prevention and Suppression Act of 2012.

12
13 SEC. 5. *Composition and Qualification.* — The Bureau shall be administered by
14 the Board of Commissioners, hereinafter referred to as the Board headed by the
15 Commissioner as Chairperson, and two (2) Deputy Commissioners as members, all
16 of whom shall be natural-born citizens of the Philippines, holders of a college degree
17 and with proven capacity for administration and, at the time of their appointment, at
18 least thirty-five (35) years of age: *Provided further,* That at least one of the
19 members shall be member of the Philippine Bar in good standing for at least five (5)
20 years.

21 CHAPTER 2

22 THE BOARD OF COMMISSIONERS

23
24 SEC. 6. *Powers and Functions of the Board.* – The Board shall have the
25 following powers and functions:

26 (a) Quasi-judicial:

27 (1) Decide on applications or cases relative to:

- 28 i. Deportation;
- 29 ii. Revocation of immigration status;
- 30 iii. Reacquisition and retention of Philippine citizenship under Republic
- 31

1 Act No. 9225, otherwise known as the "Citizenship Retention and
2 Reacquisition Act of 2003";

3 iv. Issuance and Revocation of all visas and permits;

4 v. Declaration of Indigence; and

5 vi. Legalization of residence in accordance with law.

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

8
9 (b) Rule-making:

10 (1) Prescribe and promulgate rules of procedure for proceedings before it;

11 (2) Prepare and publish operations manual and rules of procedure,
12 including schedule of fees, for all transactions entered into by the
13 Bureau with the public; and

14 (3) Formulate policies, directives, programs and projects of the Bureau.

15
16 The Board shall also perform such other powers and functions as provided in
17 this Act and other existing laws, rules and regulations not inconsistent with any of
18 the provisions of this Act.

19
20 SEC. 7. *Decisions of the Board.* – All cases or proceedings before the Board
21 shall be decided with the concurrence of the majority of the members of the board.
22 Decisions of the Board shall become final and executory fifteen (15) days from
23 receipt thereof by the concerned parties. Only one (1) Motion for Reconsideration
24 shall be allowed

25
26 Decisions in deportation cases may be appealed to the Secretary of the DOJ
27 within fifteen (15) days from receipt thereof by the concerned parties. The decision
28 of the Secretary of the DOJ shall be final and immediately executory unless stayed
29 by an order of the Court of Appeals.

30
31 SEC. 8. *Period for Decision by the Board.* – The Board of Commissioners shall
32 decide deportation cases within (30) days from the date they are submitted for

1 resolution.

2 SEC. 9. *Meetings of the Board.* – In all cases, the Board of Commissioners
3 shall convene and act as a collegial body in all matters referred to in Section 6 of this
4 Act. The Board shall meet at least once a week or, if necessary, twice a week.
5 Members of the Board shall be notified accordingly and the presence of the
6 Chairperson and one (1) member shall constitute a quorum.

7 CHAPTER 3

8 THE COMMISSIONER AND THE DEPUTY COMMISSIONERS

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

13
14 SEC. 11. *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
18 (a) Supervise, direct and coordinate the overall operations of the Office;

19
20 (b) Exercise control and supervision over the officers and personnel of the
21 Bureau, including the power to appoint, promote, and reassign personnel, subject to
22 civil service laws, rules and regulations: Provided that promotions and appointments
23 to positions of Division Chiefs and above shall be made by the Secretary of the DOJ
24 upon the recommendation of the Commissioner;

25
26 (c) Issue, (1) letter orders after determination of the existence of probable
27 cause for the purpose of deportation; (2) commitment or release orders; (3) warrant
28 of deportation; (4) order to inspect the documents, premises and records of persons
29 covered by this Act; (5) derogatory information orders defined in Section 3(h) of this
30 Act; and (6) such orders and instructions as enhanced border control and homeland
31 security may require.

1 (d) Delegate authority to subordinate immigration personnel and employees
2 to be delineated by the Implementing Rules and Regulations;

3
4 (e) Act on applications for extension of visas;

5
6 (f) Control the opening and closure of posts, landing places, airports or ports
7 classified as points of entry or exit, whether limited or unlimited;

8
9 (g) Increase, reduce or waive immigration fees, fines, penalties and other
10 charges;

11
12 (h) Issue Certificates of Naturalization and Identification to foreign nationals
13 who have been granted Philippine citizenship;

14
15 (i) Deputize, subject to the concurrence of the Board, any official or
16 employee of the national government and local government units, including
17 uniformed personnel of the Armed Forces of the Philippines, the Philippine National
18 Police and the Philippine Coast Guard to assist immigration personnel in the
19 performance of duties and functions;

20
21 (j) Authorize and prescribe, with the concurrence of the Board, the form and
22 the amount of cash bonds for the provisional release of respondents in deportation
23 proceedings;

24
25 (k) Impose reasonable fines and penalties for violations of immigration and
26 alien registration laws in accordance with this Act and the guidelines adopted by the
27 Board;

28
29 (l) Accept donation of materials, equipment or technical services from any
30 foreign government, international or domestic organization, to upgrade the efficiency
31 and operations of the Bureau;

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

8
9 (n) Determine the manning levels of immigration officers of the Bureau
10 nationwide in accordance with the number of arrivals in each port of entry as
11 determined by the Board: *Provided*, That for every three hundred (300) passengers
12 there shall be one (1) immigration personnel in an eight-hour shift;

13
14 (o) Exercise disciplinary authority over personnel of the Bureau charged with
15 less grave and light administrative offenses, in accordance with the Revised Rules on
16 Administrative Cases in the Civil Service (RRACS): *Provided*, That the disciplinary
17 authority over those charged with grave administrative offenses under RRACS shall
18 belong to the Secretary of the DOJ;

19
20 (p) Prepare and submit a supplemental budget for the consideration of the
21 Department of Budget and Management (DBM);

22
23 (q) Prescribe, with the concurrence of the Board, the appropriate forms,
24 bonds, reports, entries and other papers in accordance with this Act;

25 (r) Require all airlines to submit advance passenger information in the form
26 prescribed by the Board and prescribe penalty for the violation hereof;

27
28 (s) Perform such other functions inherent to the Bureau; and

29
30 (t) exercise visitorial powers to check compliance and enforcement with
31 immigration laws.

(u) liaise, in coordination with the Department of Foreign Affairs and the Office of the President, with international immigration and border control counterparts for mutual security concerns.

SEC. 12. *Appointment and Rank of Deputy Commissioners.* — There shall be two (2) Deputy Commissioners who shall be appointed by the President. They shall have the rank, salary and privileges of an Assistant Secretary of a Department.

SEC. 13. *Duties of Deputy Commissioners.* – In addition to their duties as members of the Board, the Deputy Commissioners shall supervise a minimum of FOUR (4) Directorates and the regional offices, as determined by the Commissioner.

SEC. 14. *Creation of Positions and Compensation for Co-Terminus Officials and Employees.* – The following co-terminus positions are hereby created for the Office of the Commissioner and Deputy Commissioners, except for Executive Officer III/Board Secretary which shall be assigned only to the Office of the Commissioner. The basic monthly compensation of the following co-terminus officials and employees shall be as follows:

POSITION	SALARY GRADE
Head Executive Assistant	27
Executive Assistant VI	25
Executive Assistant V	24
Executive Assistant IV	22

CHAPTER 4
THE INTERNAL AFFAIRS

SEC. 15. *Qualifications of the Head, Internal Affairs Service (IAS).* – An Internal Affairs Service (IAS) of the Bureau is hereby created which shall be headed by a Director who must be who must be a natural-born citizen of the Philippines, at

1 least thirty (35) years of age and a member of the Philippine Bar in good standing at
2 least five (5) years prior to the appointment.

3
4 SEC. 16. *Powers and Functions of the IAS:*

- 5
6 a) Conduct inspections and audit on BI personnel, units and OFFICES;
7 b) Conduct summary hearings on personnel of BI facing administrative
8 charges;
9 c) Investigate complaints and gather evidence in support to an
10 investigation;
11 d) File appropriate criminal cases against BI personnel before the court as
12 evidence warrants and assist in the prosecution of the case; and
13 e) Provide assistance to the Office of the Ombudsman in cases involving
14 the personnel of the Bureau.

15
16 CHAPTER 5
17 THE BOARD SECRETARY

18
19 SEC. 17. *Qualifications of the Board Secretary.* – There shall be a Board
20 Secretary of the Board of Commissioners who must be a natural-born citizen of the
21 Philippines, at least thirty (30) years of age and a member of the Philippine Bar in
22 good standing at least five (5) years prior to the appointment.

23
24 SEC. 18. *Powers and Duties.* – The Board Secretary shall:

- 25
26 (a) Attend in and take minutes of all meetings of the Board;
27 a. Prepare the agenda for the deliberations of the Board on Visa
28 application;
29 (b) Prepare the agenda for the deliberations of the Board on deportation
30 cases as endorsed by a Member of the Board after initial review;
31 (c) Implement the decision of the Board approving visa applications,
32 including revalidation;

- (d) Keep and manage all records of the deliberation of the Board;
- (e) Advise the members of the Board on all matters relative to compliance with relevant laws and requirements of regulatory authorities; and
- (f) All other functions as may be directed by the Board.

CHAPTER 6

THE BOARDS OF SPECIAL INQUIRY

SEC. 19. *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 as determined by the Board. 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. The BSI shall be designated according to their areas of specialization to be determined by the Board.

SEC. 20. *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 natural-born citizens of the Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing and engaged in the practice of law for at least three (3) years.

SEC. 21. *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 birth, or marriage;
 - (4) Legalization of residence in accordance with law; and
 - (5) Issuance of visa for stateless person.

- 1 (b) Issue subpoena in cases being heard by the BSI;
- 2
- 3 (c) In the exercise of its quasi-judicial, cite and punish persons for contempt
- 4 in accordance with the Rules of Court;
- 5
- 6 (d) Recommend to the Board the imposition, waiver or reduction of fees,
- 7 fines, penalties and other charges subject to existing laws, rules and regulations;
- 8
- 9 (e) Administer oaths;
- 10
- 11 (f) Promulgate rules and regulations governing matters within its assigned
- 12 mandate subject to the approval of the Board; and
- 13
- 14 (g) Perform such other duties and functions as may be directed by the
- 15 Commissioner and the Board.
- 16

17 SEC. 22. *Proceedings Before the BSI.* – The proceedings before the BSI shall be

18 public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only

19 members of the Philippine Bar in good standing shall appear for and in behalf of any

20 party before the BSI.

21

22 SEC. 23. *Resolutions of the BSI.* – Cases before the BSI shall be resolved within

23 TEN (10) working days from the date the cases are submitted for resolution. The

24 resolution of the BSI shall be submitted immediately to the Board for action.

25

26 SEC. 24. *Creation of Positions; BSI.* – The following positions with the

27 corresponding salary grades are hereby created under the BSI:

28

29

POSITION	SALARY GRADE
Special Inquiry Officer II	25
Special Inquiry Officer I	24

30

31

32

1 CHAPTER 7

2 DIRECTORATES AND OTHER OPERATING OFFICES OF THE BUREAU

3
4 SEC. 25. *Directorates and Other Operating Offices of the Bureau.* — The
5 Bureau shall have the following directorates and other operating offices, namely:

6
7 A. Directorates:

- 8 (1) Administration;
9 (2) Finance and Logistics;
10 (3) Information and Communications Technology;
11 (4) Planning and Research;
12 (5) Alien Registration;
13 (6) Immigration Regulation;
14 (7) Intelligence;
15 (8) Law Enforcement;
16 (9) Legal Affairs; and
17 (10) Human Resource Management and Development.

18
19 B. Regional Offices that shall be created by the Board according to political or
20 administrative regions.

21
22 C. Districts:

- 23 (1) Major Airports; and
24 (2) Seaports

25 SEC. 26. *Heads of the Directorates and Other Operating Units.* — Each
26 Directorate shall be headed by a Director with a Salary Grade of 27: Provided, That
27 the Director for Legal Affairs shall be a member of the Philippine Bar in good
28 standing and must have been engaged in the practice of law for at least three (3)
29 years, and that the Director for Finance and Logistics shall be a Certified Public
30 Accountant in good standing for at least three (3) years. The Regional Offices shall

be headed by a Regional Director with a Salary Grade of 26, while the District Offices shall be headed by a District Supervisor with a Salary Grade of 25.

SEC. 27. *Duties and Functions of the Directorates, Regional Offices, Districts, Field Offices and Other Operating Offices.* – The different directorates and other operating offices of the Bureau shall have such number of officers and as may be defined by the Board to ensure the effective performance of their respective mandates.

The Regional Directors and District Supervisors shall have the authority to issue verification orders to the respective immigration officers within their area of responsibility to be delineated by the Implementing Rules and Regulations.

CHAPTER 8
ADMINISTRATION

SEC. 28. *Chief Administrative Officer.* – No person shall be appointed to the position Chief, Administrative Officer unless such person meets the qualification standards set by the Bureau. The Administrative Officer shall perform the following duties:

- (a) Develop administrative support strategy for the Bureau;
- (b) Implement administrative support strategy;
- (c) Coordinate all administrative function; and
- (d) Perform such other tasks as may be directed by the Commissioner.

SEC. 29. *Creation of Positions; Directorate for Administration.* – The following positions with the corresponding salary grades are hereby created under the Directorate for Administration:

POSITION	SALARY GRADE
Chief Administrative Officer	28
Supervising Administrative Officer	26

Immigration Administrative Officer IV	24
Immigration Administrative Officer II	15
Immigration Administrative Assistant III	13
Immigration Aide V	13
Immigration Administrative Assistant II	12
Immigration Aide IV	12
Immigration Aide III	11
Immigration Administrative Assistant I	10
Immigration Aide II	8

1 CHAPTER 9
2 FINANCE AND LOGISTICS
3

4 SEC. 30. *Chief Finance and Logistics Officer.* – No person shall be appointed
5 to the position of Chief, Finance and Logistics Officer unless such person meets the
6 qualification standards set by the Bureau. The Chief, Finance and Logistics Officers
7 shall perform the following duties:

- 8 (a) Plans and supervises the implementation of policies pertaining to
9 procurement, fiscal management, auditing and accounting in support of the
10 overall plan and strategic direction of the Bureau;
11 (b) Direct and Manage all the procurement activities of the Bureau;
12 (c) Implement sound fiscal policy;
13 (d) Supervise the preparation of the Annual Procurement Plan;
14 (e) Initiate Projects in the furtherance of the improvement of the Bureau;
15 (f) Set performance targets for the Bureau in order to meet the objectives,
16 plans and programs; and
17 (g) Perform such other tasks as may be directed by the Commissioner.
18

19 SEC. 31. *Creation of Positions; Directorate for Finance and Logistics.* – The
20 following positions with the corresponding salary grades are hereby created under
21 the Directorate for Finance and Logistics:

POSITION	SALARY GRADE
Chief Finance and Logistics Officer	28
Supervising Administrative Officer	26
Immigration Administrative Officer IV	24
Immigration Accountant II	22
Immigration Accountant I	19
Immigration Administrative Assistant II	15
Immigration Aide IV	14
Immigration Administrative III	13
Immigration Administrative II	12
Immigration Administrative I	10

1 CHAPTER 10

2 INFORMATION AND COMMUNICATIONS TECHNOLOGY

3

4 *SEC. 32. Chief Information and Communications Technology Officer.* – No

5 person shall be appointed to the position of Chief Information and Communications

6 Technology Officer unless such person meets the qualification standards set by the

7 Bureau. The Chief Information and Communications Technology Officer shall

8 perform the following duties:

- 9 (a) Formulate policies, plans and programs on management information
- 10 systems, network, cyber-security, information and communications
- 11 technology resources of the Bureau;
- 12 (b) Supervise the implementation of all the Information Technology projects
- 13 of the Bureau;
- 14 (c) Review, evaluate and recommend for approval of the Commissioner the
- 15 integration of all existing information and communications systems of
- 16 the Bureau;
- 17 (d) Initiate conduct of ICT research, development and standardization; and

(e) Perform such other tasks as may be directed by the Commissioner.

SEC. 33. *Creation of Positions Directorate for Information and Communications Technology.* – The following positions with the corresponding salary grades are hereby created under the Directorate for Finance and Logistics:

POSITION	SALARY GRADE
Chief Information and Communications Technology Officer	28
Information and Communications Technology Officer II	26
Information and Communications Technology Officer I	24
Immigration Information System Analyst	22
Immigration Computer Programmer II	19
Immigration Information Technologist II	19
Immigration Computer Programmer I	17
Immigration Information Technologist I	17

CHAPTER 11
PLANNING AND RESEARCH

SEC. 34. *Immigration Research Specialist.* – No person shall be appointed to the position of Immigration Research Specialist unless such person meets the qualification standards set by the Bureau. The Immigration Research Specialists shall perform the following duties:

- (a) Formulate and implement the planning programs, projects and processes;
- (b) Facilitate and organize a strategic planning;
- (c) Conduct workload assessment and forecasting;

- (d) Provide assistance to the Board in the implementation and establishment of a risk management process;
- (e) Implement a monitoring feedback measurement and evaluation system for the implementation of projects and programs;
- (f) Represent the Board in meetings relating to Planning and Research; and
- (g) Perform such other tasks as may be directed by the Commissioner.

SEC. 35. *Creation of Positions; Directorate for Planning and Research.* – The following positions with corresponding salary grades are hereby created:

POSITION	SALARY GRADE
Chief Immigration Research Specialist	28
Supervising Immigration Research Specialist	25
Immigration Research Officer III	23
Immigration Research Officer II	21
Immigration Research Officer I	17
Immigration Research Assistant	15

CHAPTER 12

ALIEN REGISTRATION

SEC. 36. *Chief Alien Registration Officer.* – No person shall be appointed to the position of Chief Alien Registration Officer unless such person meets the qualification standards set by the Bureau. The Chief Alien Registration Officer shall perform the following duties:

- (a) Formulate plans and programs for the implementation of the Alien Registration Program;
- (b) Establish policies for the effective monitoring of Aliens;
- (c) Come up with measures for the proper accounting of Aliens; and
- (d) Perform such other tasks as may be directed by the Commissioner.

SEC. 37. *Creation of Positions; Alien Registration Directorate.* – The following positions with the corresponding salary grades are hereby created under the Alien Registration Directorate:

POSITION	SALARY GRADE
Chief Alien Registration Officer	28
Supervising Immigration Officer	26
Immigration Officer IV	24
Immigration Officer III	21
Immigration Officer II	19
Immigration Officer I	17
Immigration Inspector	15
Immigration Assistant	15
Immigration Agent I	13

CHAPTER 13
IMMIGRATION REGULATION

SEC. 38. *Chief Immigration Officer, Immigration Regulation Directorate (IRD).*
– No person shall be appointed to the position of Chief Immigration Officer, IRD unless such person meets the qualification standards set by the Bureau. The Chief, Immigration Officer, IRD shall perform the following duties:

- (a) Formulate plans and programs for the effective enforcement of immigration laws relating to the admission of Aliens;
- (b) Establish policies for the effective monitoring of all commercial vessels while in Philippine territory;
- (c) Oversee and supervise all District, Field Offices and Boarder Crossing Stations;
- (d) Represent the Bureau in the enforcement of the RP-Indonesian Agreement and the RP-Malaysian Anti-Smuggling Agreement; and
- (e) Perform such other tasks as may be directed by the Commissioner.

SEC. 39. *Creation of Positions; Immigration Regulation Directorate.* – The following positions with the corresponding salary grades are hereby created under the Immigration Regulation Directorate:

POSITION	SALARY GRADE
Chief Immigration Officer IRD	28
Supervising Immigration Officer	26
Immigration Officer IV	24
Immigration Officer III	21
Immigration Officer II	19
Immigration Officer I	17
Immigration Inspector	15
Immigration Assistant	15
Immigration Agent I	13

CHAPTER 14
INTELLIGENCE

SEC. 40. The Bureau, having been mandated by R.A. 9165 or the "Comprehensive Dangerous Drugs Act of 2002," R.A. 9208 or the "Anti-Trafficking in Persons Act of 2003," R.A. 9372 or the "Human Security Act of 2007," and R.A. 10168 or the "Terrorism Financing Prevention and Suppression Act of 2012," and other laws to enforce border control and homeland security, shall seek to strengthen intelligence gathering and, whenever necessary, shall request intelligence sharing.

SEC. 41. *Chief, Immigration Officer for Intelligence.* – No person shall be appointed to the position of Chief, Immigration Officer for Intelligence unless such person meets the qualification standards set by the Bureau. The Chief, Immigration Officer for Intelligence shall perform the following duties:

- (a) Develop plans and programs for the gathering/collating of intelligence objectives through effective management of all intelligence and counter-intelligence activities of the Bureau;

- (b) Manages the conduct of intelligence and counter-intelligence activities of the Bureau;
- (c) Serves as the linkage with foreign counterparts and embassies with the Bureau;
- (d) Initiate development of intelligence training modules; and
- (e) Perform such other tasks as may be directed by the Commissioner.

SEC. 42. *Creation of Positions; Directorate for Intelligence.* – The following positions with the corresponding salary grades are hereby created under the Directorate for Intelligence:

POSITION	SALARY GRADE
Chief Immigration Officer for Intelligence	28
Supervising Immigration Officer	26
Immigration Officer IV	24
Immigration Officer III	21
Immigration Officer II	19
Immigration Officer I	17
Immigration Inspector	15
Immigration Assistant	15
Immigration Agent I	13

CHAPTER 15

LAW ENFORCEMENT

SEC. 43. *Chief Immigration Officer for Law Enforcement.* – No person shall be appointed to the position of Chief, Immigration Officer for Law Enforcement unless such person meets the qualification standards set by the Bureau. The Chief, Immigration Officer for Enforcement shall perform the following duties:

- (a) Develop plans and programs for effective law enforcement actions against foreign nationals who violate immigration law, rules and regulations;

- (b) Exercises command, control, direction, coordination and supervision of all law enforcement activities such as deployment and employment of personnel.;
- (c) Initiate the development of law enforcement training modules;
- (d) Establish an effective monitoring tool for fugitives and undesirable foreigners; and
- (e) Perform such other tasks as may be directed by the Commissioner.

SEC. 44. *Creation of Positions Directorate for Law Enforcement.* – The following positions with the corresponding salary grades are hereby created under the Directorate for Law Enforcement:

POSITION	SALARY GRADE
Chief Immigration Officer for Law Enforcement	28
Supervising Immigration Officer	26
Immigration Officer IV	24
Immigration Officer III	21
Immigration Officer II	19
Immigration Officer I	17
Immigration Inspector	15
Immigration Assistant	15
Immigration Agent I	13

CHAPTER 16

LEGAL AFFAIRS

SEC. 45. *Chief Immigration Officer for Legal Affairs.* – No person shall be appointed to the position of Chief Immigration Officer for Legal Affairs unless such person meets the qualification standards set by the Bureau. The Chief Immigration Officer for Legal Affairs shall perform the following duties:

- (a) Serve as the legal counsel of the Bureau in coordination with the Office of the Solicitor General;
- (b) Develop guidelines for the Summary Deportation of Foreign Nationals who are overstaying, undocumented, convicted of crime involving moral turpitude, convicted of a crime where the penalty of deportation is imposed and fugitives;
- (c) Assign prosecutors for regular deportation;
- (d) Implementation of Deportation Orders;
- (e) Studies contracts affecting the Bureau and submits recommendation relative thereto;
- (f) Render legal opinion on matters arising from the administration and operation of the Bureau; and
- (g) Perform such other tasks as may be directed by the Commissioner.

SEC. 46. *Creation of Positions; Directorate for Legal Affairs* – The following positions with the corresponding salary grades are hereby created under the Directorate for Human Resources Management and Development:

POSITION	SALARY GRADE
Chief Immigration Officer for Legal Affairs	28
Immigration Prosecutor IV	27
Immigration Prosecutor III	26
Immigration Prosecutor II	25
Immigration Prosecutor I	24

CHAPTER 17

HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

SEC. 47. *Human Resource Management Officer.* – No person shall be appointed to the position of Human Resource Management Officer unless such person meets the qualification standards set by the Bureau. The Human Resource Management Officers shall perform the following duties:

- (a) Develop and execute human resource strategies in support of the overall plan and strategic direction of the Commission especially in the areas of selection, hiring and promotion;
- (b) Design employee training modules;
- (c) Develop comprehensive strategic recruiting and retention plans to meet the human capital of strategic goals;
- (d) Oversee the recruitment, selection and promotion of employees;
- (e) Prepare schemes to strengthen the relationship between management and employees;
- (f) Set qualification standards and implement competency-based hiring and promotion policies;
- (g) Set performance standards for the employees of the Commission in order to meet the objectives, plans and programs of the Commission; and
- (h) Perform such other tasks as may be directed by the Commissioner.

SEC. 48. *Creation of Positions; Directorate for Human Resources Management and Development.* – The following positions with the corresponding salary grades are hereby created under the Directorate for Human Resources Management and Development:

POSITION	SALARY GRADE
Chief Human Resource Management Officer	28
Supervising Human Resource Management Officer	25
Human Resource Management Officer III	23
Human Resource Management Officer II	21
Human Resource Management Officer I	17
HR Management Assistant	15

CHAPTER 18

IMMIGRATION OFFICERS

1 SEC. 49. *Immigration Officers, Immigration Inspectors and Immigration*
2 *Agents.* – The Bureau shall employ an elite group of Immigration Officers who shall
3 be assisted by Immigration Inspectors and Immigration Agents in the performance
4 of their duties and functions. No person shall be appointed to the position of
5 Immigration Officer, Immigration Inspector or Immigration Agent unless such person
6 meets the qualification standards set by the Bureau, which shall include the
7 following determinative factors in setting said qualification standards for each
8 position:

- 9 a) Educational Attainment
- 10 b) Civil Service Eligibility
- 11 c) Relevant Experience
- 12 d) Training
 - 13 (1) Basic
 - 14 (2) Advanced
 - 15 (3) Executive
- 16 e) Agility

17
18 SEC. 50. *Powers and Functions of Immigration Officers.* – The Immigration
19 Officers shall have the following powers and functions:
20

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

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

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

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

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

1 (f) Detect and report violations of the immigration and registration laws and,
2 in appropriate cases, take the required necessary actions upon the instructions of
3 the Commissioner, including follow-up on the stay of non-immigrants to prevent
4 overstaying;

5 (g) Detect and report subversive activities of aliens in the interest of national
6 security;

7 (h) Investigate any case at the instance of the Commissioner and submit the
8 required reports;

9 (i) Report on the activities of aliens inimical to national interest with a view to
10 taking appropriate action in accordance with law;

11 (j) Locate and conduct surveillance against foreign nationals in violation of
12 immigration laws, rules and regulations;

13 (k) Provide actionable operational, tactical and strategic intelligence to the
14 operating units;

15 (l) Conduct case build up, analysis and other in-depth research, as well as
16 provide analytical reports on foreign nationals who violate or are in violation of
17 immigration laws, rules and regulations;

18 (m) Coordinate with other local and international law enforcement agencies in
19 the gathering of intelligence information related to immigration law violations;

20 (n) Conduct counter intelligence operations;

21 (o) Enforce the immigration laws relating to the exclusion, deportation and
22 repatriation of aliens;

23 (p) Take charge of the physical detention of aliens pending their exclusion,
24 deportation or repatriation;

25 (q) Attend to the deportation of aliens;

26 (r) Monitor all arriving and departing suspected terrorists, drug couriers and
27 members of crime syndicates;

28 (s) Assist and escort deportees, excluded passengers and transiting restricted
29 passengers until finally boarded;

30 (t) Assist in the queuing of passengers at the arrival and departure areas;

31 (u) Investigate and escort from ports of entry intercepted passengers who are
32 found in possession of spurious travel documents;

1 (v) Implement Warrants of Deportation (WOD) and Mission Orders involving
2 foreign nationals who violate or are in violation of immigration laws, rules and
3 regulations; and

4 (w) Perform such other functions as may be assigned by the Commissioner
5 from time to time.
6

7 Qualified Immigration Officers, Immigration Inspectors and Immigration
8 Agents with the requisite training and experience may be assigned to the
9 Intelligence, Law Enforcement or Operations Directorates depending on the
10 exigencies of the Bureau. The Board may, in the exigencies of service, designate
11 certain duties and responsibilities listed in this section to other officers and
12 employees in the Intelligence, Law Enforcement or Operations Directorates in an
13 acting capacity: Provided, that such designation shall not exceed a period of one (1)
14 year.
15

16 SEC. 51. *Deployment of Immigration Personnel Abroad.* – Within ninety (90)
17 days from the effectivity of this Act, the Department of Foreign Affairs and the
18 Bureau shall promulgate the implementing rules and regulations on the assignment
19 and deployment of immigration officers to select consular posts abroad who shall,
20 subject to the pertinent provisions of Republic Act No. 7157 or the "*Philippine*
21 *Foreign Service Act of 1991*", perform immigration duties, except diplomatic and
22 consular functions.
23

24 CHAPTER 19

25 CAREER DEVELOPMENT PATTERN

26

27 SEC. 52. *Career Development.* The Bureau shall:
28

29 a) Establish and strengthen the Philippine Immigration Academy which
30 shall be under the control and supervision of the Commissioner;

1 b) Create a continuing program to enhance the knowledge, skills and
2 competence of all personnel through a career advancement training and
3 education prior to their promotion; and
4

5 c) Formulate training requirements to implement the provisions in this
6 Title.
7

8 CHAPTER 20
9 OTHER OFFICES
10

11 SEC. 53. *Field Offices of the Bureau.* — The Bureau shall operate and
12 maintain a field office in each of the administrative or political regions including the
13 National Capital Region.
14

15 SEC. 54. *Changes in the Composition, Distribution of Assignment of Field*
16 *Offices.* — The Commissioner may make changes in the composition, distribution and
17 assignment of field offices, as well as its personnel, based on the demographics of
18 the foreign nationals and as the exigency of the service requires.
19

20 SEC. 55. *Border Control Checkpoints.* — In addition to International Airports
21 and Seaports, there shall be established Border Control Checkpoints which shall be
22 manned by Immigration Officers appointed as Border Control Officers by the
23 Commissioner. The Border Control Checkpoints shall be placed in specific areas in
24 the Philippines which shall be determined by the Board. The Border Control Officer
25 shall perform the following functions:
26

- 27 a) Conduct immigration formalities to foreigners passing thru his area of
28 responsibility;
29 b) Enforce immigration laws, rules and regulations;
30 c) Coordinate with other law enforcement agencies in the enforcement of
31 immigration laws, rules, and regulations;
32 d) Apprehend and take into custody illegal entrants; and

1 e) Perform such other function as directed by the Commissioner.

2
3 The head of the border control checkpoint may seek the assistance of the
4 other government agencies to ensure that immigration laws are effectively and
5 efficiently carried out in their respective areas of responsibility.

6
7 TITLE III
8 IMMIGRATION

9
10 CHAPTER 1
11 NON-IMMIGRANTS

12
13 SEC. 56. *Categories of Non-immigrants and Types of Visa Issued.* – Foreign
14 nationals departing from any place outside the Philippines who are otherwise
15 admissible and who qualify under any one of the following categories may be
16 admitted as non-immigrants:

17
18 (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a
19 temporary period for reasons of business, pleasure or health:

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

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

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

32 The temporary visitors (a visa) shall not be convertible to a working visa.

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

5 (c) Crew members (C Visa): Members of the crew of vessels required for the
6 normal operation and servicing of the vessels who come to the Philippines
7 temporarily as part of their jobs either arriving with or coming to join the vessels;
8

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

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

21 (e) Accredited Foreign Government Officials, Their Families and Household
22 Member (E Visas): Foreign government officials, their families and household
23 members coming to the country for official purpose, pursuant to international
24 conventions and bilateral agreements, shall be granted E Visas divided into four (4)
25 types, namely:
26

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

- 29 i. Heads of State and/or Heads of Government and their personal
30 representatives;

- ii. Members of reigning royal families from countries recognized by the Philippine Government;
- iii. Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;
- iv. Cabinet ministers and their deputies, and officials with cabinet rank of ministers;
- v. Presiding officers of national legislative bodies;
- vi. Justices or judges of the highest national judicial bodies;
- vii. Diplomats and career consular officials on foreign assignment in the Philippines;
- viii. Military, naval, air and other attaches assigned to a diplomatic mission; and
- ix. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;

(2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official of a foreign government recognized by the Philippines and who is a national of the country whose government he represents, and is proceeding to the Philippines on a long-term basis in connection with official business for such foreign official's government.

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

- i. Administrative and technical members of the staff of a diplomatic or consular mission;
- ii. Officials participating in programs under the auspices of the Philippine Government or recognized international institutions; and
- iii. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;

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

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

- 8 i. Diplomatic couriers regularly and professionally employed as
9 such;
- 10 ii. All members of official special missions of a diplomatic
11 character;
- 12 iii. Members of delegations proceeding to or from an international
13 conference of a diplomatic or official nature; and
- 14 iv. Such other officials going to the Philippines on diplomatic or
15 official missions;

16
17 (4) Persons eligible for E-4 Visa: The E-4 Visa shall be issued to the
18 private employees and household members of persons to whom E-1
19 and E-2 visas have been granted, as well as their immediate
20 dependents;

21 All visas under enumerated in Section 55 (e) of this Act shall be exclusively
22 issued and renewed by the DFA, which shall also determine the type of E-Visa
23 of Foreign Government Officials not identified in the foregoing lists. The grant
24 of immunities and privileges shall be subject to applicable domestic and
25 international law and international agreements to which the Philippines is a
26 party, as well as in consideration of the principle of reciprocity.

27
28 (f) Students (F Visa): Foreign students having means sufficient for their
29 support and education in the Philippines who seek to enter the Philippines
30 temporarily for the sole purpose of taking up a course of study higher than high
31 school at a university, seminary, academy or college accredited to admit such

1 foreign students by the Commission on Higher Education in coordination with the
2 Bureau;

3
4 (g) Prearranged Employment (G Visa): Foreign nationals coming to the
5 Philippines on prearranged employment, including their family members
6 accompanying or following to join them within the period of their employment. This
7 category includes intra-company transferees, professionals, performing artists,
8 athletes, and cultural exchange workers under a work exchange program;

9
10 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and
11 religious ministers, including members of their family, coming to the Philippines to
12 join a religious congregation or denomination duly registered with the Securities and
13 Exchange Commission, upon invitation, sponsorship or guarantee of such religious
14 congregation or denomination, solely for the purpose of propagating, teaching and
15 disseminating their faith or religion;

16
17 (i) Representatives of Accredited International Organizations and Government
18 Agencies (I Visa): Foreign officials and staff of accredited international organizations,
19 including their dependent family members, staff, and household members shall be
20 granted I Visas divided into four (4) types, namely:

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

24
25 (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other
26 officials and staff of international organizations, as well as their
27 accompanying spouses and dependents;

28
29 (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials
30 and staff of international organizations who will perform short-term official
31 work with the international organization upon its invitation; and

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

5 Accredited international organization include any public international
6 organization engaged in activities of which the Philippines participates pursuant to
7 any treaty or under the authority of any act of the Congress of the Philippines
8 authorizing such participation or making an appropriation for such participation and
9 such other international organizations, institutions, agencies, programs, foundations
10 and entities which are recognized by the government of the Republic of the
11 Philippines, including those existing and already recognized as such at the time of
12 the effectivity of this Act.
13

14 All types of visas under Section 55 (i) of this Act shall be exclusively issued
15 and renewed by the DFA, which shall also determine the type of I Visa of officials
16 and staff of International Organizations who are not identified in the foregoing list.
17 The grant of immunities and privileges shall be subject to applicable domestic and
18 international law, relevant Headquarters Agreements, and international agreements
19 to which the Philippines is a party.

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

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

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

6
7 (m) Bridging Visa (M Visa): A temporary visa which allows a foreign national
8 to stay in the Philippines after the expiration of the current visa, other than
9 temporary visitor visa under Section 53(a), and while an application for adjustment
10 of status is being processed.

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

18
19 All visas issued other than by the Bureau as provided by the respective
20 governing laws shall be subject to the reportorial requirements as prescribed by the
21 Board. The Board shall likewise prescribe penalty for violation hereof.

22
23 CHAPTER 2
24 IMMIGRANTS
25

26 SEC. 57. *Quota Immigrants*. — Subject to the conditions set forth in this Act,
27 there may be admitted into the Philippines, immigrants, otherwise known as "*quota*
28 *immigrants*", not to exceed two hundred (200) of any one nationality for any one
29 calendar year and upon allotment by the Commissioner of the corresponding quota
30 number. In the allotment of quota numbers, the following order of preference shall
31 be observed:

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

8
9 (b) Second Preference: Parents of a naturalized Philippine citizen;

10
11 (c) Third Preference: Spouses or minor children of foreign nationals who are
12 lawful permanent residents of the Philippines; and

13
14 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent
15 residents of the Philippines.

16
17 SEC. 58. *Allotment of Quota.* — The Commissioner shall, with respect to the
18 first preference, allot not more than fifty percent (50%) of the annual quota
19 allotment up to the end of June each year: Provided, That if the fifty percent (50%)
20 is not utilized by the first preference, the balance thereof shall be given to the
21 second, third, and fourth preferences in accordance with Section 56 of this Act shall
22 be that of the country of which the immigrant is a national or a citizen. Any unused
23 quota allotment for a calendar year shall not be carried over and utilized for the
24 ensuing calendar year.

25 SEC. 59. *Basis in Determination of Quota Allotment.* — The nationality of
26 immigrants whose admission is subject to the numerical limitation imposed by
27 Section 37 of this Act shall be that of the country of which the immigrant is a
28 national or a citizen. The nationality of immigrants possessing dual nationality may
29 be that of either of the two countries regarding them as a national or citizen if they
30 apply for a visa in a third country. If such immigrants apply for a visa within one of
31 the two countries regarding them as a national or citizen, their nationality shall be

1 that of the country in which they filed their application for a visa to enter the
2 Philippines.

3 SEC. 60. *Non-Quota Immigrants.* — The following immigrants, known as
4 "*non-quota immigrants*", may be admitted without regard to numerical limitation and
5 immigration reciprocity:
6

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

14 (b) A person of Filipino descent regardless of generation;
15

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

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

24 (e) A foreign national who had been previously lawfully admitted into the
25 Philippines for permanent residence who is returning from a temporary visit abroad
26 to an unrelinquished residence in the Philippines;
27

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

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

4 CHAPTER 3
5 NATIVE-BORN FOREIGN NATIONAL
6

7 SEC. 61. *Status of Children Born to Immigrants.* — A child born in the
8 Philippines to parents who are foreign nationals and lawful residents of the
9 Philippines shall be deemed a native-born permanent resident.
10

11 SEC. 62. *Status of Children Born to Non-immigrants.* — A child born to parents
12 who are both non-immigrants shall be deemed a native-born non-immigrant or
13 temporary resident and may remain in the Philippines only during the period of
14 authorized stay of parents, unless the child reaches the age of eighteen (18) years
15 while continuously residing in the Philippines, in which case such child may apply for
16 naturalization under existing laws or for an appropriate visa.
17

18 CHAPTER 4
19 ADJUSTMENT OF STATUS
20

21 SEC. 63. *Conditions for Adjustment of Status of Foreign Nationals.* — The
22 status of a foreign national admitted into the Philippines as non-immigrant may be
23 adjusted by the Board to that of a foreigner lawfully admitted as a permanent
24 resident if:
25

- 26 (a) the foreigner makes an application for such adjustment;
27
28 (b) the foreigner is eligible to receive a quota or non-quota immigrant visa
29 and is admissible to the Philippines as a permanent resident; and

1 (c) a quota immigrant visa, if such is the case, is immediately available to the
2 foreign national at the time of application, without the need of first departing from
3 the Philippines.

4 In all such cases, the personal appearance of the foreigner shall be required
5 during the consideration of the application.
6

7 SEC. 64. *Effect of Approval on Application for Adjustment.* — Upon the
8 approval of an application for adjustment of status under the preceding section, the
9 Commissioner shall record the foreign national's lawful admission as a permanent
10 resident as of the date of the approval of the application and shall be included as
11 part of the quota for the calendar year in accordance with Section 56 of this Act.
12

13 SEC. 65. *Adjustment of Status, When Not Allowed.* — Adjustment of status
14 under this Act shall not be applicable to:

15 (a) a foreign national who has violated or is in violation of immigration laws,
16 rules and regulations unless the violation is without the fault of the foreign
17 national or for purely technical reasons; and
18

19 (b) transients.
20

21 SEC. 66. *Loss of Status.* — A registered foreign national, except a temporary
22 visitor, who fails to return to the Philippines within a period of one (1) year from
23 departure shall lose the status granted under Title III of this Act. Such foreign
24 national may apply for an extension of the period within which to return prior to its
25 expiration and pay the prescribed fees and charges in order to maintain the status or
26 type of visa granted.
27

28 CHAPTER 5
29 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

1 SEC. 67. *Documentary Requirements of Non-immigrants.* – Non-immigrants
2 must present for admission into the Philippines valid passports issued by the
3 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 Consular Officer, if required, and such other relevant
6 documents as may be required under existing laws, rules, regulations, or multilateral
7 or bilateral agreements.

8
9 SEC. 68. *Conditions and Period of Authorized Stay of Temporary Visitors.* —
10 The initial period of authorized stay of a foreign national admitted as a temporary
11 visitor under Section 55(a) of this Act shall not exceed fifty-nine (59) calendar days
12 from the date of arrival, subject to bilateral, regional and multilateral visa
13 agreements entered into by the Philippines: *Provided,* That the conditions for
14 extensions and total period of authorized stay shall be prescribed by the
15 Commissioner: *Provided, further,* That during the foreign national's authorized stay,
16 such foreign national: (a) shall not take any employment, whether paid or unpaid;
17 (b) shall not establish or join in any business; and (c) shall not enroll or become a
18 student at a school, college, university, academy, or other educational institution,
19 unless granted, upon proper application, a conversion to another immigration status
20 provided under this Act.

21
22 SEC. 69. *Conditions for Issuance of Pre-Arranged Employment Visas.* — A
23 foreign national who is coming to the Philippines for prearranged employment shall
24 not be issued a non-immigrant visa referred to in Section 55(g) until the Consular
25 Officer shall have received authorization for the issuance of the same. Such
26 authorization shall be given only upon the filing of a petition with the Board
27 establishing, among others, that no person can be found in the Philippines willing
28 and competent to perform the work or service for which the foreigner is desired and
29 that the admission would be beneficial to the public interest. The petition shall be
30 under oath by the prospective employer or the latter's representative in the form
31 and manner prescribed by the Board.

1 If the Board finds that the petition complies with the requirements of the
2 preceding paragraph and of other regulations, it shall grant the petition and shall
3 promptly transmit the authorization to the DFA.

4 SEC. 70. *Submission of Crew List and Passenger Manifest.* – Within a
5 reasonable time before the vessel's departure from the port of origin, the master,
6 captain, agent, owner or consignee of any commercial vessel arriving to the
7 Philippines shall submit to the Bureau, within a reasonable time prior to such arrival,
8 the crew lists, passenger manifests and such other information concerning the
9 persons arriving on such a vessel. In the same manner and condition, the master,
10 captain, agent, owner or consignee of any commercial vessel departing from any
11 port in the Philippines shall submit to the Bureau, within a reasonable time prior to
12 such departure, the crew list, passenger manifest and such other information
13 concerning the persons departing on such vessel. The crew list of an incoming sea
14 craft shall contain the appropriate visa granted by the Consular Officer.

15 The penalty for the master, captain, agent, owner or consignee of any
16 commercial vessel who fails to provide relevant advance passenger information or
17 intentionally or recklessly provide erroneous, faulty, misleading, incomplete or false
18 advance passenger information shall pay a fine of PhP 500, 000.00.

19
20 SEC. 71. *Inspection of Crewmembers.* – It shall be the duty of the master,
21 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
22 available on board, for inspection by the Immigration Personnel, any foreign
23 crewmember employed on such vessel and, when required by the immigration
24 authorities, to detain such crewmember on board after inspection or to remove such
25 crewmember. No crewmember on board such vessel shall be discharged while the
26 vessel is in port without the permission of the Commissioner.

27
28 SEC. 72. *Permission for Temporary Landing of a Foreign Crewmember.* — A
29 foreign crewmember on a vessel arriving in the Philippines may be permitted to land
30 temporarily under such conditions as may be prescribed by the Commissioner. All

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

3
4
5 CHAPTER 6
6 DOCUMENTATION AND ADMISSION OF IMMIGRANTS
7

8 SEC. 73. *Documentary Requirements of Immigrants; Instances When Not*
9 *Required.* — Immigrants must present for admission into the Philippines valid
10 passports or travel documents issued by the government of the country to which
11 they owe allegiance, showing their nationality and identity and valid immigrant visas
12 indicating the date of issue and the period of validity thereof. Immigrant visas shall
13 not be required of the following:
14

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

17 (b) A child born during the temporary visit abroad of the mother who is a
18 lawful permanent resident of the Philippines and a holder of a valid re-entry permit,
19 if the child is accompanied by either parent within five (5) years from the date of the
20 child's birth; and
21

22 (c) A foreign national who is returning to an unrelinquished lawful permanent
23 residence in the Philippines after a temporary residence abroad and presents for
24 admission a valid re-entry permit.
25

26 CHAPTER 7
27 VISA ISSUANCE
28

29 SEC. 74. *Nature of Visa.* — Nothing in this Act shall be construed to
30 automatically entitle any foreign national to whom a visa or other travel document

1 has been issued to enter the Philippines if, upon arrival at a port of entry, he/she is
2 found to be inadmissible under this Act or any other law.

3
4 SEC. 75. *Visa Policy.* – The policies governing the issuance, extension,
5 renewal and conversion of visas referred to in this Act shall be formulated by the
6 Bureau and the DFA, when appropriate, in consultation with concerned government
7 agencies and offices.

8
9 SEC. 76. *Visa Issuance Abroad.* - All visas issued abroad shall be done by
10 Consular Officers assigned at Philippine Foreign Service posts in the following
11 manner:

12
13 (a) Upon approval by the Commissioner and recommendation by a Consular
14 Officer, a quota immigrant visa may only be issued to a foreign national who has
15 made a proper application therefor, which shall specify the nationality to which the
16 quota number is assigned, the immigrant's particular status in such country, the
17 preference to which the foreign national is classified, the date on which the validity
18 of the visa shall expire, and such additional information as may be required; and

19
20 (b) The DFA, through its Consular Office abroad or the Office of the Visa
21 Director, shall approve the issuance of non-quota immigrant and non-immigrant
22 visas to a foreign national who has made a proper application therefor.

23
24 The issuance of special non-immigrant visas falling under the jurisdiction of a
25 particular government office or agency can only be done in coordination with and
26 upon recommendation of the government agency or office concerned.

27 SEC. 77. *Requirements for Physical and Mental Examination Prior to Issuance*
28 *of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign
29 national, the Consular Officer shall require such person to submit to a physical and
30 mental examination in accordance with such regulations as may be prescribed by the
31 Commissioner.

SEC. 78. *Visa Validity Period.* — A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 75 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 Consular Officer 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 Consular Officer 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 Consular Officer to be eligible for another immigrant visa and has paid all the fees.

SEC. 79. *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. 80. *Revocation of Visa Issued by Consular Officer.* — The Commissioner may, for valid cause and upon confirmation by the DFA, 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 Personnel upon arrival at the port of entry.

CHAPTER 8

RE-ENTRY AND EMIGRATION CLEARANCE

SEC. 81. *Re-entry.* — In all instances when a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the

1 Philippines with the intention to return within one (1) year from departure, the
2 foreign national must secure a re-entry permit or, if the authorized stay is less than
3 one (1) year, a Special Return Certificate, and pay the corresponding fees and
4 charges therefor.

5
6 SEC. 82. *Emigration Clearance.* – A registered foreign national who departs
7 permanently from the Philippines shall surrender all Philippine immigration
8 documents and apply for and be issued an Emigration Clearance Certificate, subject
9 to the following conditions:

10
11 (a) The immigrant has no pending obligation with the government or any of
12 its agencies or instrumentalities;

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

15
16 (c) There is no ongoing legislative inquiry where the immigrant is called upon
17 to testify as a witness.

18
19 A temporary visitor departing from the Philippines shall, after the expiration of
20 the initial authorized stay, apply for emigration clearance and pay the prescribed
21 fees and charges therefor.

22
23 CHAPTER 9
24 PRESIDENTIAL PREROGATIVES

25 SEC. 83. *Presidential Prerogatives.* — Any provision of this Act to the contrary
26 notwithstanding, the President may:

27
28 (a) Deny the entry and admission into the Philippines, or impose such
29 restrictions as may be deemed appropriate, any foreign national or a class of foreign

1 nationals, whenever the President finds that such entry would be detrimental to the
2 interest of the Philippines;

3
4 (b) Waive passport or documentary requirements for non-immigrants and
5 immigrants under such terms and conditions as may be prescribed;

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

8
9 (d) Deport any foreign national, subject to the requirement of due process;

10
11 (e) Admit non-immigrants not otherwise provided for in this Act for
12 humanitarian considerations and when not detrimental to public interest, under such
13 terms and conditions as may be prescribed;

14
15 (f) Prohibit the departure from the Philippines of any person who is likely to
16 disclose information affecting national security, or who is likely to organize a
17 rebellion abroad against the Philippines, or whose presence in the country is
18 necessary to face, or be a witness in, criminal proceedings; and

19
20 (g) Exercise, with respect to foreign nationals in the Philippines, such powers
21 as are recognized by the generally accepted principles of international law.

22
23 TITLE IV
24 PROVISIONS RELATING TO ENTRY

25
26 CHAPTER 1
27 CLASSIFICATION OF PORTS OF ENTRY

28
29 SEC. 84. *Authority to Classify Ports.* – The Commissioner shall classify and
30 designate, from among the ports of entry established by law for immigration
31 purposes, limited or unlimited ports of entry through which foreign nationals may be

1 admitted into the Philippines. Only such classes of foreign nationals as provided
2 under the rules and regulations prescribed by the Commissioner may be admitted at
3 limited ports of entry. The Commissioner may, after due notice to the public, close
4 designated ports of entry in the interest of national security or public safety.

6 CHAPTER 2

7 PROCEDURES ON ARRIVAL

8
9 SEC. 85. *Inspection by Immigration Personnel.* — A foreign national seeking
10 admission or readmission shall present a valid passport and visa, if required, to the
11 immigration Personnel at the port of entry and shall be subject to primary
12 inspection. The decision of the examining Immigration Officer, if favorable to the
13 admission of any foreigner, may be challenged by another Immigration Officer on
14 any ground provided in this Act. The final determination on the admissibility of such
15 foreign national shall be determined by the Commissioner within forty-eight (48)
16 hours in case no resolution is reached between the Immigration Officer on the
17 challenged admission. In case of admission, the Immigration Officer shall indicate in
18 the passport the date, the port of entry and the identity of the vessel boarded.

19
20 SEC. 86. *Detention or Quarantine for Examination.* — For the purpose of
21 determining whether a foreign national arriving at any port in the Philippines belongs
22 to any of the classes excludable under this Act by reason of being afflicted with any
23 of the contagious or communicable disease or mental disorder as set forth under
24 Section 97 (a) of this Act or whenever the Commissioner has received information
25 showing that foreigners are coming from a country or a place where any of such
26 diseases are prevalent or widespread, the foreigner shall be detained or quarantined
27 for a reasonable period of time to enable the immigration and medical officers to
28 subject such person to observation and examination.

29
30 SEC. 87. *Medical Examination Requirement.* — Any arriving foreign national
31 whom the examining Immigration Officer believes to belong under the class of
32 excludable foreign nationals specified in Section 94 (a) of this Act shall be referred to

1 designated medical officers for physical and mental examination. Such medical
2 officer shall certify the findings of the examination for the information of the
3 Immigration Officer.

4
5 SEC. 88. *Arrival Notice Requirements of Vessel.* – The immigration authorities
6 shall be given prior notice of the arrival of any civilian vessel before such vessel
7 comes into any area in the Philippines from any place outside thereof. Such prior
8 notice shall not be required in the case of vessels with scheduled arrivals filed with
9 the Immigration Officer in charge at the international port of entry.

10
11 If, upon arrival in any area other than the designated port and there is no
12 available Immigration Officer therein, the master, pilot, captain, agent or consignee
13 shall not allow the passengers and crew members to disembark or leave the primary
14 inspection area until the Immigration Officer shall have conducted the primary
15 inspection formalities.

16
17 SEC. 89. *Contents of Notice of Arrival.* — The advance notice of arrival
18 required in the preceding section shall specify the following:

19
20 (a) Type of vessel and registration marks;

21
22 (b) Duly visaed crewlist;

23
24 (c) Passenger manifest;

25
26 (d) Port of last departure;

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

29
30 (f) Estimated time of arrival; and

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

2
3 CHAPTER 3
4 FOREIGN CREWMEMBER
5

6 SEC. 90. *Conditional Permit to Disembark.* — A foreign crewmember of a
7 vessel under Section 55(c) of this Act may be granted a conditional permit, in a form
8 prescribed by regulations, to disembark temporarily from the vessel on which such
9 crewmember arrived while the vessel remains in port under such terms and
10 conditions as may be prescribed by the Commissioner.

11
12 SEC. 91. *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, take
16 such foreign national into custody, and require the owner, operator, captain, master,
17 pilot, agent or consignee of the vessel on which the foreigner arrived to receive and
18 detain the foreigner on board. The expenses for removal of the foreign national,
19 including the cost of detention and other expenses incidental thereto, shall be borne
20 by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

21
22 SEC. 92. *Liability for Overstaying Foreign Crewmen.* — A foreign crewmember
23 who remains in the Philippines in excess of the period allowed in the conditional
24 permit issued shall be solidarily liable with the owner, operator, captain, master,
25 pilot, agent or consignee of the vessel to pay the penalties prescribed in Section 139
26 of this Act.

27
28 SEC. 93. *Liability for Unauthorized Discharge of Foreign Crewmember.* — It
29 shall be unlawful for any person, including the owner, operator, captain, master,
30 pilot, agent or consignee of any vessel to discharge any foreign crewmember
31 employed by a vessel arriving in the Philippines and while in port, without first
32 obtaining the prior permission of the Commissioner. Otherwise, such person or

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

7
8 SEC. 94. *Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*
9 —The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
10 immediately report, in writing, to the Immigration Officer all cases of desertion or
11 illegal disembarkation in the Philippines from the vessel, together with a description
12 of such foreign nationals and any information that shall result in their apprehension.

13
14 SEC. 95. *Requirement for Submission of List of Newly Employed, Discharged*
15 *and Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel
16 from the last port in the Philippines destined to any place outside thereof, the
17 owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to
18 the Immigration Officer at that port a list containing:

19
20 (a) The names of crewmembers who were not employed thereon at the time
21 of the vessel's arrival on such port but will depart thereat on the same vessel;

22
23 (b) The names of those who have been discharged, if any;

24
25 (c) The names of those who have deserted or illegally landed at that port, if
26 any; and

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

28
29 SEC. 96. *Liability for Failure to Submit Complete, True and Correct Report.* —
30 The owner, operator, captain, master, pilot, agent, or consignee who fails to submit
31 a true and complete list or report of foreign nationals or to report cases of desertion

1 or illegal landing shall pay such sum as may be prescribed under this Section 135 of
2 this Act. No vessel shall be granted clearance from any port in the Philippines while
3 such fines remain unpaid or while the validity thereof is being determined: *Provided,*
4 that clearance may be granted prior to such determination upon deposit of a sum or
5 cash bond sufficient to cover such fines as approved by the Commissioner.

6
7 CHAPTER 4
8 EXCLUSIONS
9

10 SEC. 97. *Exclusion Grounds.* - The following classes of foreign national shall
11 not be allowed entry and shall be excluded from the Philippines:
12

- 13 (a) Health Related Grounds
14 1. Those who are found to be suffering from a communicable,
15 dangerous or contagious disease, unless excepted under existing
16 laws, rules and regulations;
17 2. Those who are found to be suffering from mental disorder or
18 associated behavior that may pose a threat to persons or danger to
19 property;
20 3. Those who are found to be suffering from addiction to prohibited or
21 regulated substance;
22
- 23 (b) Economic Grounds
24 1. Those likely to become a public charge;
25 2. Those seeking entry for the purpose of performing skilled or
26 unskilled labor, without a permit from the Secretary of the
27 Department of Labor and Employment as required by law;
28
- 29 (c) Moral Grounds
30 1. Those coming to the Philippines to practice polygamy or who
31 advocate the practice of polygamy unless the person's religion
32 allows such practices;

2. Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;
3. Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution;
4. Those who, at the time of primary inspection, by the Immigration Officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or employee of the Bureau;

(d) Criminal and Security Grounds

1. Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer having committed such crime, or who attempt and conspire to commit the crime;
2. Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to a controlled, regulated or prohibited substance, or who admit having attempted or conspired to commit the crime;
3. Those that the Philippine Government knows or has reason to believe is a trafficker of any controlled, regulated or prohibited substance or knows or has reason to believe is or has been an accomplice, accessory, abettor, or co-conspirator in the illicit trafficking of any controlled, regulated or prohibited substance;
4. Those who are fugitives from justice;
5. Those who seek to enter the Philippines to engage in:
 - a. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;

- b. Any activity aimed to promote membership in an organization of syndicated criminal activities;
 - c. Any activity, the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and
 - d. Any other unlawful activity.
6. Those who are engaged or believed to be engaged or likely to engage in, aid, abet or finance any terrorist activity and members or representatives of a foreign terrorist organization;
 7. Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;
 8. Those who are under fifteen (15) years of age and unaccompanied by or not coming to a parent, except that they may be admitted at the discretion of the Commissioner, if otherwise admissible: *Provided*, That they present a written consent to travel from either parent citing the purpose thereof and affirmed by a Consular Officer; and
 9. Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

SEC. 98. *Temporary Custody of Excludable Foreign Nationals.* — For the purpose of ascertaining whether a foreign national arriving in the Philippines belongs to any of the excludable classes of foreign national provided for in this Act or related laws, the Immigration Officer, for a period not exceeding seventy-two (72) hours, may temporarily take into custody for investigation such foreign national either on board the vessel or at a place designated for the purpose at the expense of the master, captain, agent, owner or consignee of the carrying vessel.

SEC. 99. *Finality of Exclusion Order.* — An order by the Immigration Personnel to exclude a foreign national who is excludable under this Act is final and executory

1 unless revoked by the Commissioner upon a timely appeal prior to the
2 implementation of the exclusion order.

3
4 SEC. 100. *Authority to Waive Grounds for Exclusion.* — Except for grounds of
5 exclusion under Section 97(d), subparagraphs 1 to 7 and 9, the Commissioner may
6 waive any of the grounds for exclusion mentioned in Section 97 of this Act.

7
8 SEC. 101. *Procedure of Removal and Cost Thereof.* — Foreign nationals
9 arriving in the Philippines who are ordered excluded shall be immediately removed in
10 the same accommodation to the country where they boarded the vessel on which
11 they arrived, unless the Commissioner determines that immediate removal is not
12 proper and practicable, in which case such excluded foreign nationals shall be
13 ordered detained. The cost of detention and other expenses incidental thereto shall
14 be borne by the owner, operator, master, pilot, captain, agent or consignee of the
15 vessel on which such foreigners arrived.

16
17 SEC. 102. *Country Where Removal is to be Directed.* — If the government of
18 the country designated in the preceding section will not accept the foreign national
19 into its territory, the removal of the foreign national shall be directed, at the
20 Commissioner's discretion to any of the following:

21
22 (a) The country which the excluded foreigner is a citizen or national;

23
24 (b) The country of birth;

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

26
27 (d) The country willing to accept the foreign national into its territory, if
28 removal to any of the foregoing countries is impractical or impossible.

SEC. 103. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee.* — It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

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

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

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

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

(e) Pay the cost of detention and other expenses incidental thereto incurred while the excluded foreign national is being detained as required by Section 98 of this Act or other costs necessary or incidental to his removal as provided in this Act.

SEC. 104. *Penalty for Non-compliance of Obligation.* — The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violates Section 102 of this Act shall pay the fines prescribed in Section 135 of this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided,* That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

TITLE V
DEPORTATION

CHAPTER 1

DEPORTABLE FOREIGN NATIONALS

1 SEC. 105. *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 BSI and approval by the Board:

4
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
9 (b) Those who entered the Philippines who were not lawfully admissible at
10 the time of entry;

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

14
15 (d) Those who, at any time after the date of entry, have become a public
16 charge;

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

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

30
31 (g) Those who, at any time after entry, engage in, abet, aid or finance any
32 terrorist activity;

33
34 (h) Those who, at any time after entry, are charged of a crime involving acts

1 or omissions punishable under Philippine penal laws cognizable by the Regional Trial
2 Courts and the *Sandiganbayan*;

3
4 (i) Those who, at any time after entry, are convicted by final judgment of a
5 crime involving moral turpitude punishable under Philippine penal laws;

6
7 (j) Those who were admitted as non-immigrants and who obtained an
8 adjustment of their admission status for convenience, or through fraud, falsification
9 of documents, misrepresentations or concealment of material facts;

10
11 (k) Those who violated Philippine labor and taxation laws, rules and
12 regulations;

13
14 (l) Those who are found to be undesirable and whose further stay in the
15 Philippines is inimical to public welfare and interest, or the dignity of the Filipinos, or
16 the Republic of the Philippines as a sovereign nation;

17
18 (m) Those who forge, counterfeit, alter or falsely make any document; or
19 use, attempt to use, possess, obtain, accept or receive or provide any forged,
20 counterfeit, altered or falsely made document; or use, attempt to use, provide,
21 attempt to provide, accept or receive a genuine document, even of another person,
22 without authority to do so for the purpose of satisfying or complying with the
23 requirements of the Bureau;

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

27
28 (o) Those who misrepresented themselves as Filipino citizens in all
29 immigration matters; and,

30
31 (p) Those who commit any violation of the provisions of this Act,
32 independent of any criminal action which may be brought against them: *Provided*,
33 That in case of a foreign national who, for any reason, is convicted and sentenced to
34 suffer both imprisonment and deportation, said foreign national shall first serve the

1 entire period of the sentence before being deported.

2
3 SEC. 106. *Non-Prescription of Deportation Cases.* – The right of the State to
4 initiate at any time deportation proceedings shall not prescribe.

5
6 SEC. 107. *Nature of Deportation Proceedings.* – Deportation proceedings shall
7 be independent of any action that may be instituted against a foreign national:
8 *Provided,* That no deportation orders shall be issued against foreign nationals facing
9 preliminary investigation, prosecution and trial before competent authorities.

10
11 CHAPTER 2
12 DEPORTATION OF FOREIGN NATIONALS
13

14 SEC. 108. *Formal Charge of Deportation.* – A formal charge for deportation
15 shall be issued upon determination of the existence of a *prima facie* case against the
16 foreign national.

17
18 SEC. 109. *Bail.* – Pending final determination of the foreign national's
19 deportation case, the foreign national shall, upon the discretion of the
20 Commissioner: (a) remain under detention; or (b) be released on bail or
21 recognizance. The bail may be revoked and confiscated in favor of the government
22 if there is sufficient evidence that the foreign national is evading the proceedings or
23 is attempting to abscond, in which case such foreign national shall be taken into
24 custody and placed under detention by order of the Commissioner.

25
26 SEC. 110. *Custody of a Foreign National Convicted of a Felony or an Offense.*
27 – After service of the sentence or compliance with the conditions of parole or
28 probation, as the case may be, the foreign national shall be taken into custody for
29 immediate deportation by order of the Board.

30
31 SEC. 111. *Voluntary Deportation, When Authorized.* –The Commissioner may
32 waive the deportation proceedings and order the departure of the foreign national

1 within the period specified in the voluntary deportation order if the foreign national
2 does not contest the formal charge and opts to voluntarily leave the country and
3 pays for all expenses: *Provided*, That the foreign national has not committed any
4 criminal offense or has no pending criminal investigation: *Provided, further*, That the
5 said foreign national so deported shall be barred from re-entering the country
6 without prior written authorization from the Commissioner.

7
8 SEC. 112. *Period to Enforce Order of Deportation.* – The order of deportation
9 shall be enforced immediately but in no case shall exceed three (3) months from the
10 date it has become final and executory. If deportation is not enforced within the
11 prescribed period, the foreign national may be released on bail or recognizance.

12
13 SEC. 113. *Suspension of Deportation Order.* – The Commissioner may
14 suspend the implementation of the deportation order and order the release of the
15 foreign national on bail or recognizance, taking into account the following factors:

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

22
23 SEC. 114. *Reinstatement of a Deportation Order.* – A deportation order
24 previously implemented against a foreign national who unlawfully re-entered the
25 Philippines shall be deemed automatically reinstated and shall be implemented in
26 accordance with this Act. This provision shall also apply to a foreign national who
27 departed voluntarily under Section 110 and re-entered the Philippines unlawfully or
28 without prior written authorization from the Commissioner.

29
30 SEC. 115. *Country of Destination of a Deportee.* – Except as provided for
31 under an existing treaty or international agreement, a foreign national shall be
32 deported to the country of which the person is a citizen or national, or foreign

1 national's country of birth, or the country of which the individual is a resident, or the
2 country from which the individual embarked for the Philippines, subject to the
3 acceptance by the receiving country.

4
5 SEC. 116. *Cost of Deportation.* – The cost of deportation shall be borne by the
6 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its
7 foreign crewmember is to be deported under Section 104 of this Act. In all other
8 cases, the cost of deportation shall be borne either by the deportee, by the
9 concerned consular office, nongovernment organizations or people's organizations
10 with which the Bureau has an agreement on this matter, or from the appropriations
11 for the enforcement of this Act.

12
13 SEC. 117. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or*
14 *Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator,
15 captain, master, pilot, agent or consignee of a vessel to take on board, guard safely
16 and transport the deportee to the foreign national's country of destination, or to
17 shoulder the cost of deportation of the foreign crew member as provided in the
18 preceding Section, shall be subject to the administrative fines prescribed under
19 Section 135 of this Act.

20 SEC. 118. *Expenses of Accompanying Person.* – The Commissioner may, for
21 security reason or by reason of the mental or physical condition of the deportee,
22 direct an employee of the Bureau to accompany such deportee to the country of the
23 deportee's destination, subject to the provisions of Section 117.

24
25 CHAPTER 3
26 INDIGENT FOREIGN NATIONAL
27

28 SEC. 119. *Removal of Indigent Foreign National.* – At any time after entry, the
29 Commissioner may remove indigent foreign nationals from the Philippines to the
30 country of which they are citizens or nationals, their country of birth, or their country
31 of residence, as the case may be. The cost of deportation may be charged against

1 the available funds of the Office. Any foreign national removed under this section
2 shall be barred re-admission except upon written authorization of the Board of
3 Commissioners.

4
5 This provision shall not apply to a foreign national declared as an indigent by
6 any Philippine court for purposes of filing a case or to pursue an action which
7 resulted in the individual's indigency until such case or action is resolved with
8 finality: *Provided*, That no other grounds for deportation exist during the pendency
9 of such case or action.

10
11 TITLE VI
12 MISCELLANEOUS PROVISIONS

13
14 CHAPTER 1
15 REGISTRATION OF FOREIGN NATIONALS

16
17 SEC. 120. *Requirement of Registration.* — All foreign nationals shall register
18 with the Bureau or any Immigration Office nearest to their place of residence on or
19 before the sixtieth (60th) day of their latest arrival in the Philippines.

20 SEC. 121. *Registration Form and Oath.* — Applications for registration shall be
21 under oath and in such form as prescribed by the Bureau. Upon registration, a
22 certificate of registration shall be issued to the registrant. In case of loss or
23 destruction of the certificate, a replacement certificate may be issued by the Bureau
24 upon proper application and payment of prescribed fees.

25
26 SEC. 122. *Amendment of Registration.* — A registered foreign national shall
27 notify the Bureau in writing of any change of information in the person's registration
28 documents not later than seven (7) days from such change.

29
30 SEC. 123. *Presentation of Certificate of Registration.* — Every foreign national
31 required to register under this Act or the parent or guardian of such foreign national

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

4
5 SEC. 124. *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 Bureau. 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
11 SEC. 125. *Failure to Comply with Requirements.* — A foreign national, or the
12 parent or guardian of the foreign national, who, without justifiable reason, fails to
13 comply with all the requirements under this Act, or who files an application for
14 registration containing statements known by the individual to be false, or who
15 utilizes registration documents other than that of the individual, shall be dealt with in
16 accordance with the provisions of this Act and other existing laws.

17
18 SEC. 126. *Cancellation of Registration of Foreign National.* — In case of death
19 of a foreign national registered under the provisions of this Act, the legal heir,
20 representative or administrator of the foreign national must inform the Office within
21 sixty (60) days from such death, and the Bureau shall cancel the registration of the
22 deceased foreign national. The Local Civil Registrar or other civil registry officer of
23 the locality where said foreign national died shall furnish the Bureau with a copy of
24 the Certificate of Death within thirty (30) days from issuance thereof. Failure on the
25 part of the persons concerned to comply with the requirements specified in this
26 Section shall be dealt with pursuant to the provisions of existing laws.

27 CHAPTER 2
28 BONDS AND DEPOSITS
29

30 SEC. 127. *Bonds, When Required.* — The Bureau shall have the authority to

1 require cash bonds in such amounts and under such conditions as it may prescribe in
2 order to:

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

5 (b) insure against foreign passengers liable to be excluded as likely to
6 become public charges; and

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

9 SEC. 128. *Requirement of Cash Deposits for Services Rendered.* – The Bureau
10 shall likewise have the authority to require cash deposits in such amounts as may be
11 necessary from a vessel's owner, operator, captain, master, pilot, agent, or
12 consignee or other persons served for services rendered as established by the
13 implementing rules and regulations.

14
15 SEC. 129. *Cancellation and Forfeiture of Bonds.* – When the conditions of the
16 bond are fulfilled, or in case the Commissioner determines that the likelihood that a
17 foreign national shall become a public charge no longer exists, or in case of death of
18 the foreign national in whose behalf the bond is posted, the bond shall be cancelled
19 and released to the depositor or the legal representative of the foreign national. In
20 case of violation of the conditions of the bond, the same shall be forfeited and
21 deposited in a trust fund account which may be utilized for the purchase of passage
22 tickets for the removal of indigent foreign nationals and to cover the costs of
23 operations in locating deportees who jump bail.

24
25 CHAPTER 3
26 RECOGNIZANCE
27

28 SEC. 130. *Petitions for Recognizance, Sanction for Breach of Conditions.* —
29 The Commissioner may order the release of a foreign national upon recognizance of
30 the foreigner's lawyer or a person who is of good standing in the community, under
31 such terms and conditions as the Board may prescribe. Failure to comply with the

1 terms and conditions of the recognizance shall subject said lawyer or person to a
2 fine of not less than Fifty thousand pesos (P50,000.00) but not more than One
3 hundred thousand pesos (P100,000.00), without prejudice to other administrative
4 sanctions or proceedings against the erring party.

6 CHAPTER 4

7 COOPERATION AND COORDINATION WITH OTHER OFFICES

8 SEC. 131. *Working Cooperation with the Department of Foreign Affairs.* – For
9 purposes of efficient implementation and administration of this Act, the Bureau shall
10 maintain a working cooperation with the DFA.

11
12 SEC. 132. *Working Cooperation with the Commission on Higher Education*
13 *(CHED).* – The Bureau shall maintain a working cooperation with the CHED with
14 respect to the accreditation of schools and learning centers for enrollment of foreign
15 students as authorized under this Act.

16
17 SEC. 133. *Working Cooperation with the Civil Aviation Authority of the*
18 *Philippines (CAAP).* – The Bureau shall maintain a working cooperation with the
19 CAAP with respect to accreditation of flying schools for the enrollment of foreign
20 students.

21
22 SEC. 134. *Coordination with Law Enforcement, Security and Other Offices.* —
23 The Commissioner shall have the authority to maintain coordination with the
24 National Security Council, the Philippine National Police (PNP), and other law
25 enforcement agencies of the government.

26 CHAPTER 5

27 FEES AND CHARGES

1 SEC. 135. *Authority of the Board to Prescribe, Impose and Collect Fees and*
2 *Charges.* — The Board is authorized to prescribe, impose and collect fees and
3 charges for services rendered pursuant to the provisions of this Act.

4
5 CHAPTER 6
6 ADMINISTRATIVE FINES
7

8 SEC. 136. *Fine for Failing to Submit Crew List or Passenger Manifest, or*
9 *Failure to Account Every Passenger and Crew.* — Any owner, operator, master,
10 captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines
11 from a place outside thereof who fails to submit to the immigration authorities a
12 complete and accurate crew list or passenger manifest, or fails to produce or
13 account every crewmember or passenger whose name appears in said list or
14 manifest shall be subject to fines of One hundred thousand pesos (P100,000.00) and
15 Fifty thousand pesos (P50,000.00) for each unaccounted person, respectively.

16
17 SEC. 137. *Fine for Violation of Obligation on the Landing or Removal of*
18 *Foreign Nationals.* — Any owner, operator, master, captain, pilot, agent, or
19 consignee of any vessel arriving at a port of the Philippines from a place outside
20 thereof having a foreign national on board in violation of this Act shall be fined not
21 less than Fifty thousand pesos (P50,000.00) but not more than Two hundred
22 thousand pesos (P200,000.00) for each act or violation consisting of:

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

25 (b) Refusal or failure to detain a foreign national on board any such vessel
26 at the port of arrival when required by this Act or so ordered by an Immigration
27 Officer;

28 (c) Refusal or failure to deliver a foreign national for medical or other
29 examinations when so ordered by an Immigration Personnel;

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

1 (e) Refusal to receive such foreign national on board for removal from the
2 Philippines if the foreign national is excluded, or to pay the cost of removal as
3 required under Section 101 and 116 of this Act;

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

7 (g) Making any charge against such foreign national for the cost referred to
8 in (d) above, or for the cost of the removal of the foreign national from the
9 Philippines if the latter is excluded, or taking any security from the foreign national
10 for the payment of any such costs.

11
12 SEC. 138. *Fine for Bringing Undocumented Foreign National, or Foreign*
13 *National Afflicted with Communicable or Contagious Disease, or Suffering from*
14 *Mental Disorder.* — The owner, operator, master, captain, pilot, agent, or consignee
15 of the vessel arriving at a port in the Philippines from a place outside thereof
16 bringing on board an undocumented foreign national shall be fined One hundred
17 thousand pesos (P100,000.00) for each foreign national. If the foreign national is
18 afflicted with a communicable or contagious disease or is suffering from mental
19 disorder, the fine shall be not less than Two hundred thousand pesos (P200,000.00)
20 but not more than Three hundred thousand pesos (P300,000.00) for each foreign
21 national.

22
23 SEC. 139. *Fine for Bringing a Foreign National to Assist His Illegal Entry or*
24 *Misrepresenting a Foreign National as a Member of the Crew.* — The owner,
25 operator, master, captain, pilot, agent, or consignee of the vessel arriving at any
26 port in the Philippines from a place outside thereof bringing on board a foreign
27 national bound for the Philippines to assist the illegal entry of the foreign national, or
28 misrepresenting the foreign national to the Immigration Officer at the port of arrival
29 as a bona fide member of the crew, shall be fined not less than One hundred
30 thousand pesos (P100,000.00) but not more than Two hundred thousand pesos
31 (P200,000.00) for each foreign national.

SEC. 140. *Fine for an Overstaying Crewmember.* — Any foreign crewmember who wilfully remains in the Philippines beyond the period allowed for temporary landing shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00). The owner, operator, master, captain, pilot, agent, or consignee of the vessel shall be solidarily liable for the fine imposed on such overstaying crewmember.

SEC. 141. *Fine for Assaulting an Immigration Personnel*— Any form of assault directed to any personnel of the Bureau is an act of disrespect. In case the assault is committed by a foreign national at the ports of entry and exit, such foreign national shall be excluded or deported, as the case may be, and shall be fined Two Hundred Thousand Pesos (Php 200,000.00) without prejudice to the right of the aggrieved Immigration Personnel to file appropriate criminal, civil or administrative cases against such person.

For purposes of this Act, an Immigration Officer shall be considered a person in authority while in the performance of official duty.

SEC. 142. *Fine for Violation of Other Provisions of this Act.* — The owner, operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act not specifically provided in this Chapter shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

CHAPTER 7

PENAL PROVISIONS

SEC. 143. *Prohibited Acts and Penalties.* – Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment for not less than five (5) years but not more than ten (10) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than

1 Five hundred thousand pesos (P500,000.00), or both imprisonment and fine, at the
2 discretion of the court:

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

7
8 (b) Issuing or otherwise delivering an immigration document or an
9 immigration accountable form to any person not authorized by law to receive such
10 documents;

11
12 (c) Obtaining, manufacturing, printing, accepting or using any immigration
13 or travel document knowing it to be false, or using an immigration accountable form
14 that is not legally issued;

15
16 (d) Entering the Philippines without inspection and admission by the
17 immigration authorities, or obtaining entry into the Philippines through fraud,
18 misrepresentation, or concealment of material facts;

19
20 (e) Misrepresenting oneself to be a citizen of the Philippines;

21
22 (f) Knowingly making any false statement under oath regarding any
23 immigration matter; or

24
25 (g) Bringing into, or landing in the Philippines, or concealing, harboring,
26 employing, or giving comfort to, any person not duly admitted by an Immigration
27 Personnel or not lawfully entitled to enter into or reside within the Philippines, or
28 attempting, conspiring with, or aiding another to commit any such acts.

29
30 Where the offender of any acts specified in paragraph (g) of this section is a
31 corporation, partnership or other juridical entity, the president, general manager,
32 managing partner, or chief executive officer thereof shall be held liable. Dismissal of
33 the employee by the employer before or after apprehension shall not relieve such
34 employer from any liability arising from the offense: *Provided*, That if the offender is

1 the owner, operator, master, captain, pilot, agent, or consignee, or other person in
2 charge of the vessel that brought the foreign national into the Philippines from any
3 place outside thereof, the fine imposed under this section shall constitute a lien
4 against the vessel which may be enforced in the same manner as fines are collected
5 and enforced under existing laws. Such vessel shall not be allowed to depart without
6 prior clearance issued by the Bureau. Where forfeiture is justified under the
7 particular circumstances of the case, the forfeiture of the vessel in favor of the
8 government in lieu of the fine shall be decreed.

9
10 Conviction by final judgment of any offense punishable under this Act or other
11 related laws shall result in the automatic revocation or cancellation of any
12 immigration document issued to the offender, including that of the foreign national's
13 spouse and unmarried children, if applicable.

14
15 SEC. 144. *Penalty for Aiding the Escape of Detained Foreign National.* — Any
16 person who shall be found to have helped, assisted, supported, caused or ministered
17 the escape, including harbouring and concealing, of a foreign national shall, upon
18 conviction, be imprisoned for not less than five (5) years but not more than ten (10)
19 years and a fine of not less than Two hundred thousand pesos (P200,000.00):
20 *Provided*, That if the person liable is a foreign national, such person shall be
21 deported after service of sentence: *Provided further*, That any tools, equipment,
22 implements or vehicles used in the escape of a detained foreign national shall be
23 destroyed or forfeited in favor of the government.

24
25 SEC. 145. *Penalty for Non-compliance of Subpoena.* — Any person who,
26 having been duly served with a *subpoena*, fails to comply without valid and
27 justifiable reasons shall suffer the penalty of imprisonment of not more than fifteen
28 (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at
29 the discretion of the court.

30
31 SEC. 146. *Imposition of Maximum Penalty, When Applicable.* — A person
32 convicted under Republic Act No. 3019, as amended, otherwise known as the "Anti-

Graft and Corrupt Practices Act”, or other laws against corruption and bribery in relation to any violation or circumvention of any provision of this Act shall suffer the maximum penalty under the said Republic Act or other laws against corruption and bribery, as the case may be.

CHAPTER 8

UPGRADING OF COMPENSATION AND BENEFITS

SEC. 147. *Creation of New Positions, Reclassification of Existing Positions and Upgrading of Salary Levels.* – The following positions in the Bureau are hereby created, and the existing positions reclassified, with the corresponding salary grade levels:

EXISTING POSITION	RECLASSIFIED POSITION	SALARY GRADE
Commissioner	Commissioner III	30
Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer (Overall Chairperson, BSI)	28
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer (Director for Administration)	28
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer (Director for Finance and Logistics)	28
Information Technology Officer III	Chief Information and Communications Technology Officer (Director for ICT)	28
Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer (Director for Alien Registration)	28
Chief Immigration Officer	Chief Immigration Officer for	28

(Immigration Regulation Division)	Immigration Regulation (Director for Immigration Regulation)	
Chief Intelligence Officer (Intelligence Division)	Chief Immigration Officer for Intelligence (Director for Intelligence)	28
Attorney V	Chief Immigration Officer for Legal Affairs (Director for Legal Affairs)	28
	Chief Immigration Officer for Law Enforcement (Director for Law Enforcement)	28
	Director IAS	28
	Chief Planning and Research Specialist (Director for Planning and Research)	28
	Chief Human Resource and Management Officer (Director for Human Resource Management and Development)	28
	Regional Director	27
Attorney IV (BSI)	Special Inquiry Officer IV (Chairperson, BSI)	27
Attorney IV (Legal Division)	Immigration Prosecutor IV	27
Attorney III (BSI)	Special Inquiry Officer III (Member, BSI)	26
Attorney III (Legal Division)	Immigration Prosecutor III	26
Supervising Immigration Officer	Supervising Immigration Officer	26

Supervising Administrative Officer	Supervising Administrative Officer	26
Medical Officer III	Immigration Physician	26
	Supervising Human Resource Management Officer	26
	Deputy Director IAS	26
	District Supervisor	26
Attorney II (Legal Division)	Immigration Prosecutor II	25
Intelligence Officer IV	Senior Immigration Officer	25
Accountant III	Immigration Accountant V	25
Dentist II	Immigration Dental Officer	25
	Supervising Immigration Research Specialist	25
Attorney I (Legal Division)	Immigration Prosecutor I	24
Senior Immigration Officer	Immigration Officer IV	24
Administrative Officer IV	Immigration Administrative Officer IV	24
Information Technology Officer I	Information and Communications Technology Officer I	24
Nurse II	Immigration Healthcare Officer	23
	Immigration Research Officer III	23
	HR Management Officer III	23
Accountant II	Immigration Accountant II	22
Information System Analyst	Immigration Information System Analyst	22
Immigration Officer III	Immigration Officer III	21
	Immigration Research Officer II	21
	HR Management Officer II	21
Accountant I	Immigration Accountant I	19
Computer Programmer II	Immigration Computer Programmer II	19

Computer Maintenance Technologist II	Immigration Information Technologist II	19
Immigration Officer II	Immigration Officer II	19
Intelligence Officer II		
Special Investigator II		
Immigration Officer I	Immigration Officer I	17
Intelligence Officer I		
Special Investigator I		
Fingerprint Examiner IV	Alien Fingerprint Examiner IV	17
	Immigration Research Officer I	17
	Immigration Computer Programmer I	17
	Immigration Information Technologist I	17
	HR Management Officer I	17
Immigration Assistant	Immigration Inspector	15
Intelligence Agent II	Immigration Agent II	15
Administrative Officer II	Immigration Administrative Officer II	15
	Immigration Research Assistant	15
	HR Management Assistant	15
Fingerprint Examiner III	Alien Fingerprint Examiner III	15
Administrative Aide VI	Immigration Aide VI	14
Administrative Assistant III	Immigration Administrative Assistant III	13
Administrative Aide V	Immigration Aide V	13
Fingerprint Examiner II	Alien Fingerprint Examiner II	13
Security Guard II	Civil Security Officer II	13
Intelligence Agent I	Immigration Agent I	13
Translator II	Immigration Translator II	12
Administrative Assistant II	Immigration Administrative Assistant II	12

Administrative Aide IV	Immigration Aide IV	12
Administrative Aide III	Immigration Aide III	11
Nursing Attendant	Immigration Healthcare Assistant	11
Fingerprint Examiner I	Alien Fingerprint Examiner I	11
Security Guard I	Civil Security Officer I	11
Seaman		
Launch Patron		
Marine Engineman		
Quartermaster		
Legal Aide	Immigration Legal Assistant	10
Administrative Assistant I	Immigration Administrative Assistant I	10
Administrative Aide II	Immigration Aide II	8

1 Upon the recommendation of the Commissioner, the Secretary of the DOJ shall
2 reorganize, upgrade, or otherwise make adjustments in the offices of the Bureau as
3 required by the implementation of this Act: *Provided*, That to the extent possible,
4 the incumbent chiefs of sections and divisions whose offices are hereby affected
5 may be upgraded to positions of comparable rank in the reorganization: *Provided*,
6 *further*, That for the new directorates and positions created under this Act, the
7 Board shall designate the directors and officers thereof.

8
9 SEC. 148. *Additional Grant of Benefits.* —The Bureau shall provide its
10 employees with the following benefits:

- 11
12 (1) Health care services through an accredited Health Maintenance
13 Organization for its regular employees;
14
15 (2) Accident Insurance policies for all employees;
16
17 (3) Night Shift differential and overtime pay for actual work rendered,
18 in accordance with existing guidelines;

1 (4) Longevity pay, subject to guidelines that shall be issued by the
2 Board in accordance with existing laws and regulations and subject
3 to the approval of the Secretary of the DBM;
4

5 (5) Transportation benefits;
6

7 (6) Dislocation allowance; and,
8

9 (7) Hazard pay amounting to twenty-five percent (25%) of basic salary
10 to qualified employees as may be determined by the Board.
11

12 SEC. 149. *Retention and Use of Immigration Fees, Fines and Other Income;*
13 *Immigration Trust Fund.* — The Board is hereby authorized to retain and use every
14 year thirty per cent (30%) of its collections from immigration fees, fines and
15 penalties, and other income that may be collected by the Bureau for the effective
16 implementation of this Act.
17

18 There is hereby created an Immigration Trust Fund (ITF) sourced from the
19 collections mentioned in this section. The ITF shall be administered by the Board in
20 accordance with existing government auditing rules and regulations, and shall be
21 used exclusively as follows:
22

23 (a) 40% for the modernization of equipment, facilities and offices used by
24 employees of the Bureau, including capital outlay for the establishment
25 of new buildings and field offices for the effective implementation of
26 this Act;
27

28 (b) 30% for the payment of employee benefits provided in this Act, and as
29 may be hereafter provided by the Board with the approval of the
30 Secretary of the DOJ; and
31

1 (c) 30% for the further professionalization of the employees of the Bureau
2 including trainings, seminars and other career advancement programs.
3

4 All interest income, dividends and earnings accrued from the ITF shall also
5 form part of the Trust Fund. No portion of the ITF shall revert to the general
6 fund of the National Government, except when the ITF is no longer necessary
7 for the purposes for which it was established.
8

9 CHAPTER 9
10 TRANSITORY PROVISIONS
11

12 SEC. 150. *Interim Period.* — The incumbent Commissioner and the two
13 Deputy Commissioners, if qualified under this Act, shall continue to discharge the
14 functions of their position unless otherwise removed by the President. All personnel
15 of the present Bureau of Immigration shall continue to discharge the functions of
16 their position pending the reorganization as provided in this Act.
17

18 SEC. 151. *Reorganization of the Bureau.* — Upon approval of this Act, all
19 employees of the Bureau of Immigration covered by the civil service law and
20 regulations shall continue to hold their present positions pending the
21 reorganization of the Bureau in accordance with the new staffing pattern: *Provided,*
22 That the salaries, wages, allowances and other benefits of incumbent officers and
23 employees of the Bureau shall not be subject to diminution: *Provided, further,* That
24 employees who have been dismissed for cause shall no longer qualify for any
25 position in the Bureau.
26

27 SEC. 152. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities*
28 *and Obligations to the Commission.* — All buildings, properties, equipment, facilities,
29 accounts, other assets, liabilities and other obligations as well as records of the
30 Bureau of Immigration shall be properly inventoried and transferred to the Bureau.
31

32 SEC. 153. *Treaty or Agreement.* — Any treaty or agreement entered into

1 between the Philippines and any foreign state before the effectivity of this Act shall
2 remain in force and effect.

3
4 SEC. 154. *Pending Cases.* – Any prosecution, suit, action, proceeding, or any
5 act or matter, civil or criminal, pending at the time of the effectivity of this Act shall
6 not be affected by any of the provisions of this Act unless otherwise explicitly stated
7 herein.

8 CHAPTER 10
9 ADMINISTRATION AND IMPLEMENTATION
10

11 SEC. 155. *Administration and Implementation Abroad.* – The administration
12 and implementation of this Act abroad, including the rules and regulations, and
13 specific visa policies or guidelines, shall be the responsibility of the DFA, with due
14 notice to the Bureau and other concerned agencies and offices.

15
16 SEC. 156. *Implementing Rules and Regulations.* —Within sixty (60) days
17 from the effectivity of this Act, the Bureau shall, in coordination with the Secretaries
18 of the DBM, the DOJ and the DFA, promulgate the rules and regulations for its
19 effective implementation.

20
21 SEC. 157. *Appropriations.* – The amount necessary to cover the initial
22 implementation of this Act shall be charged against the following:

23
24 (a) Current year's appropriation of the Bureau of Immigration; and

25
26 (b) Immigration fees, fines and other income authorized under Section 146
27 this Act.

28
29 Thereafter, such sums as may be needed for its continued implementation
30 shall be included in the annual General Appropriations Act and from the immigration
31 Trust Fund.

1 CHAPTER 11
2 FINAL PROVISIONS
3

4 SEC. 158. *Retroactive Application.* - The renaming of positions with the
5 corresponding increase in salary grade and benefits enumerated in Title VI, Chapter
6 8 shall be effective January 1, 2019.
7

8 SEC. 159. *Separability Clause.* - Should any provisions of this Act be declared
9 invalid, the remaining provisions shall continue to be in force and effect.
10

11 SEC. 160. *Repealing Clause.* - Commonwealth Act No. 613, otherwise known
12 as the "Philippines Immigration Act of 1940", as amended, and the Republic Act No.
13 750, are hereby repealed. All other laws, presidential decrees, executive orders,
14 proclamations, memorandum orders, instructions, rules and regulations or parts
15 thereof inconsistent with this Act are hereby amended or modified accordingly.
16

17 SEC. 161. *Effectivity.* - This Act shall take effect fifteen (15) days after its
18 publications in the Official Gazette or in any newspaper of general circulation.

Approved,