

SENATE

Senate Bill No. 1713

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Introduced by Senator FRANCIS N. PANGILINAN

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**EXPLANATORY NOTE**

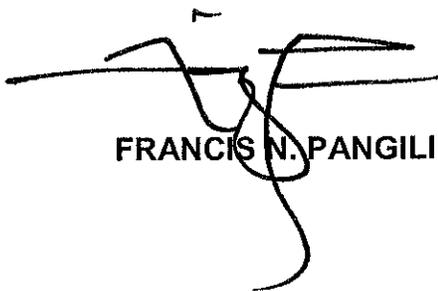
The entry and admission of foreigners into the Philippines is a matter of privilege, because every state has absolute and exclusive sovereignty of, and power to govern, its own territory. Once admitted into Philippine territory, all foreigners are bound to respect the laws of the territory, and owe a local or temporary allegiance to the Philippine government. They are bound to obey Philippine laws, and maybe prosecuted for violating them. They may be called upon to share in the general public burden, when properly imposed upon them.

In view of the public interest to police its territory and to ensure the orderly admission of aliens in the country, the Philippine state has deemed it advisable to promulgate a general law that will ensure the proper screening of persons who seek admission into the country. Also, it was deemed necessary to provide procedures and safeguards in the entry of foreigners into Philippine territory.

Thus, Philippine Immigration Act of 1940 (Commonwealth Act. No. 613), also known as "An Act to Control and Regulate the Immigration Of Aliens into the Philippines," was enacted by the Philippine Assembly on 2 May 1940. This legislation, together with its amendments, governs the entry and admission of foreigners into the Philippines. Then President of the Philippine Commonwealth, Manuel L. Quezon, signed the law on 26 May 1940.

In view of the changing times and the major events that have since shaped the international global arena, there is need to review the provisions of the Philippine Immigration Act of 1940. This bill seeks to further systematize and modernize, among others, the procedure for immigration of aliens into the Philippines. This bill also defines the rights and duties of immigrants while sojourning within Philippine territory.

Thus, the passage of this bill is earnestly sought.



FRANCIS N. PANGILINAN

SENATE

RECEIVED



SENATE BILL No. 1713

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Introduced by SENATOR FRANCIS N. PANGILINAN

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**AN ACT**  
**REORGANIZING THE BUREAU OF IMMIGRATION HEREINAFTER TO**  
**BE KNOWN AS THE COMMISSION ON IMMIGRATION AND**  
**NATURALIZATION, DEFINING ITS ORGANIZATIONAL STRUCTURE,**  
**AND THE POWERS AND FUNCTIONS THEREOF, AND FOR OTHER**  
**PURPOSES**

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

1 SECTION 1. *Title of the Act.* – This Act shall be known as the ***Philippine***  
2 ***Immigration and Naturalization Act of 2007.***”

3 SEC. 2. Declaration of Policy. – It is hereby declared that the Philippine  
4 immigration structures, policies, rules and regulations established under this Act, shall  
5 be designed, operated, and administered in such a manner as to promote the domestic  
6 and international interests of the Philippines, recognizing the need to:

7 (a) Process the entry of visitors into the Philippines for the purpose of  
8 fostering investments, trade and commerce, cultural and scientific activities, tourism and  
9 international understanding;

10 (b) Enrich and strengthen the cultural and social fabric of the Philippines;

11 (c) Ensure that any person who seeks admission into the Philippines on either  
12 a permanent or temporary basis is subject to standards of admission that do not  
13 discriminate in a manner inconsistent with the basic principles of justice and fair play;

14 (d) Take an active participation in the advancement of national security and  
15 national interest;

1 (e) Foster the development of a strong and viable economy and the prosperity  
2 of all regions in the Philippines;

3 (f) Institutionalize and strengthen the mechanisms for the protection of  
4 health, morals, safety, and good order of the Philippine society;

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

8 (h) Streamline and strengthen the existing governmental structures charged  
9 with the administration and enforcement of immigration and related laws, rules and  
10 regulations in order to make them adaptive to the growing immigration demands of the  
11 country;

12 (i) Professionalize the immigration service by instituting a rigid system of  
13 screening, selection and development of immigration officers and personnel.

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

16 (a) "Admission" – shall mean the process in which an alien arriving at a port of  
17 entry in the Philippines is allowed into the country by the immigration authorities;

18 (b) "Alien" – shall refer to any person not a citizen of the Philippines, also  
19 termed as foreign national;

20 (c) "Board" – shall refer to the Board of Commissioners provided for in this  
21 Act.

22 (d) "Captain" – shall mean the master of a vessel (such as a ship) or  
23 commander of an aircraft, or anyone having control or charge of a vessel or aircraft;

24 (e) "Child" – shall refer to a person under eighteen (18) years of age;

25 (f) "Citizen" shall refer to any person who is a citizen of the Philippines.

26 (g) "Commission" – shall refer to the Commission on Immigration and  
27 Naturalization;

28 (h) "Commissioner" – shall refer to the Commissioner of Immigration.

1 (i) "Consular Officer" – shall refer to any official of the government of the  
2 Philippines designated by the President for the purpose of issuing visas to aliens as  
3 required of aliens by this Act;

4 (j) "Entry" – shall refer to any admission of an alien into the Philippines from a  
5 place outside thereof, except when an alien having a lawful permanent residence in the  
6 Philippines shall not be regarded as making an entry for the purpose of this Act, if the  
7 alien proves that his departure to a place outside the Philippines was for a temporary or  
8 limited period, or his continued absence from the Philippines was occasioned by  
9 deportation proceedings, extradition, or other legal process;

10 (k) "Husband" and/or "Wife" – shall not include a wife or husband by reason of  
11 a proxy or picture marriage;

12 (l) "Immigrant" – shall refer to any alien, other than a non-immigrant,  
13 departing from any place outside the Philippines destined for the Philippines.

14 (m) "Immigration laws" – shall refer to this Act and any other law presently  
15 existing or which may hereafter be enacted relating to the entry of aliens into the  
16 Philippines, and their exclusion, deportation, and repatriation therefrom;

17 (n) "Immigration officer" – shall refer to any person appointed under Section  
18 28 of this Act or any employee of the Commission designated by the Commissioner to  
19 perform the powers, duties and functions of an immigration officer as specified under  
20 this Act.

21 (o) "Naturalization" – means either a judicial or administrative process by  
22 which a foreign national acquires Philippine citizenship;

23 (p) "Naturalization laws" – shall mean Republic Act No. 9139, otherwise  
24 known as "The Administrative Naturalization Law of 2000."

25 (q) "Non-immigrant" – shall refer to any alien departing from any place outside  
26 the Philippines who is allowed to entry and admitted into the Philippines for a temporary  
27 or limited period of stay.

28 (r) "Passport" – shall mean an official document issued by competent  
29 authority of a country showing the bearer's origin, identify, and nationality/citizenship,

1 and which is used for identification, travel purposes and for entry of the bearer thereof  
2 into a foreign country.

3 (s) "Person" – shall refer to a natural or juridical person. When construing  
4 and enforcing the provisions of this Act, the act, omission, or failure of any director,  
5 officer, agent, authorized representative or employee of any juridical person acting  
6 within the scope of his authority or employment or office shall, in every case, be  
7 deemed the act, omission, or failure of such juridical entity.

8 (t) "Philippines" – shall refer to all the territory as defined in the 1987  
9 Constitution of the Philippines;

10 (u) "Port of entry" – shall refer to an airport, a port or landing place  
11 established by competent authority in accordance with law through which an alien may  
12 apply to the immigration officer thereat for admission into the Philippines;

13 (v) "President" – shall refer to the President of the Philippines;

14 (w) "Seaman", "crewman" or "crewmember" – shall mean a person actually  
15 employed in the operation or service in any capacity on board a vessel;

16 (x) "Secretary" – shall refer to the Secretary of Justice;

17 (y) "Travel document" – shall mean an official certification containing the  
18 description and other personal circumstances of the bearer, issued of direct travel to or  
19 from Philippines and normally valid for short periods or for a particular trip.

20 (z) "Unmarried". – when used in reference to an individual as of any time,  
21 shall refer to an individual who at such time is not married, whether or not previously  
22 married;

23 (aa) "Vessel" – shall refer to all means of conveyances, whether air or water;

24 (bb) "Visa" – shall mean an endorsement on a passport or any travel document  
25 issued by a consular officer abroad authorizing the holder thereof to proceed to a  
26 designated port of entry in the Philippines and there to apply for entry and admission  
27 under the status specified therein; Immigration status granted and/or issued to aliens  
28 by the Commission, under Sections 9 and 13 of this Act shall likewise be called visa.

29

## TITLE II



1           The Commissioner shall be charged with the administration and enforcement of  
2 this Act and all other laws relating to immigration, alien registration, citizenship and  
3 naturalization by administrative process and shall implement all laws, rules, regulations,  
4 or orders of any competent authority concerning the entry into, stay and departure from  
5 the Philippines of all persons, except insofar as this Act or such laws related to the  
6 powers, duties, and functions conferred upon the President, the Secretary, and the  
7 Secretary of Foreign Affairs or consular officers.

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

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

13           (b) To appoint the officers and personnel of the Commission, subject to civil  
14 service and other existing applicable rules and regulations, and to exercise control and  
15 supervision over them.

16           (c) To dismiss any employee for cause, which dismissal in the case of  
17 permanent and classified employees shall be in conformity with the Civil Service Law;

18           (d) To delegate authority to subordinate officers and employees of the  
19 Commission, except with regard to the issuance of warrants of arrest, search warrants,  
20 warrants for deportation, hold-departure orders, allow-departure orders, and order for  
21 blacklisting which may only be delegated to the Associate Commissioners;

22           (e) To accept donations of materials, equipment or technical services from  
23 any foreign government, international or domestic organization, to upgrade the  
24 efficiency and operations of the Commission: *Provided*, That such is not onerous on the  
25 part of the Commission;

26           (f) To act on petitions for issuance of quota immigrant visa or change of  
27 admission status to quota immigrant:

28           (g) To act on petitions for issuance of special non-immigrant visa as provided  
29 under Section 35(m);

- 1           (h)    To act on petitions for declaration of indigency;
- 2           (i)    To issue, after determination of the existence of probable cause, warrants  
3 of arrest, search warrants, warrants for deportation, hold-departure orders, allow-  
4 departure orders, and orders for blacklisting;
- 5           (j)    To approve application for visa waivers and extension of stay of non-  
6 immigrants, upon proper application and under such conditions as he/she may  
7 prescribe;
- 8           (k)    To declare such control posts, landing places, airports or ports/points of  
9 entry, as he/she may consider to be necessary for the purposes of this Act;
- 10          (l)    To increase, waive or reduce immigration fees, damages, fines and  
11 penalties;
- 12          (m)    To issue certificates of identification to aliens who have obtained Filipino  
13 citizenship as recognition of their Philippine citizenship;
- 14          (n)    To issue permits to carry firearms, ammunition and communications  
15 equipment to authorized intelligence operatives for use in enforcement operations and  
16 in the execution of warrants: Provided, That such firearms are issued by the  
17 Commission;
- 18          (o)    To authorize and prescribe the forms and the amount of cash bonds for  
19 the provisional release of respondents;
- 20          (p)    To provide an express lane for the rendition of services performed for  
21 individual aliens upon payment of the fees he may prescribe, and to deposit in an  
22 authorized government depository bank all such fees received under a trust fund that  
23 may be made available for the payment of allowances to employees of the Commission,  
24 payment of which shall be in accordance with the existing budget, accounting and  
25 auditing rules and regulations and to the revised compensation and position  
26 classification system. Immigration employees may be assigned by the Commissioner to  
27 do overtime work at rate fixed by him when services rendered is to be paid for by the  
28 shipping companies and airlines or other persons served;

1 (q) To impose reasonable fines and penalties for violation of immigration and  
2 alien registration laws in accordance with guidelines adopted by the Commission;

3 (r) To submit to the President, and to the Congress, annually or as may be  
4 directed, a report on the number and the status of aliens in the Philippines; on aliens  
5 admitted or granted change of status as permanent residents; on aliens who have been  
6 excluded or deported from the Philippines; on the number of aliens estimated to be  
7 present illegally in the Philippines in each calendar year and actions taken to arrest  
8 them; the number and rate of denial of administrative or judicial petitions for  
9 naturalization, by nationality grouping, for each region in the Philippines; and other such  
10 transactions of the Commission;

11 (s) To prepare and submit annual supplemental budget of the Commission for  
12 the consideration of the Department of Budget and Management;

13 (t) To prescribe such rules, regulations or other administrative issuance to  
14 govern proceedings or to carry out provisions of this Act;

15 (u) To prescribe such forms and bonds, reports, entries, and other papers;  
16 and

17 (v) To perform such other functions inherent in his office although not  
18 specified by law.

### 19 **Chapter 3 - The Associate Commissioners**

20 SEC. 8. *Appointment, rank and tenure of the Associate Commissioners.* -

21 There shall be four (4) Associate Commissioners of Immigration who shall be appointed  
22 by the President, shall have the rank, salary and privileges equal to an assistant  
23 secretary. The first Associate Commissioner appointed shall hold office for six (6)  
24 years, and the second (2<sup>nd</sup>), third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) Associate Commissioners, for five  
25 (5), four (4) and three (3) years, respectively. Appointment to any vacancy shall be only  
26 for the unexpired term of the predecessor.

27 SEC. 9. *Duties of the Associate Commissioner.* - In addition to their duties as  
28 members of the Board of Commissioners, the Associate Commissioners shall exercise

1 such powers and functions as may be delegated and assigned to them by the  
2 Commissioner.

3 **Chapter 4. – The Board of Commissioners**

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

6 (a) To have exclusive jurisdiction to hear and decide appeals regarding the  
7 orders or resolutions of the Boards of Special Inquiry with regard to deportation and  
8 other cases under its jurisdiction;

9 (b) To act on petitions for issuance of non-immigrant and non-quota  
10 immigrants and/or change of admission classification to such visa status as may be  
11 provided in this act or under special laws;

12 (c) To act on applications for adjustment of status or recommendations for  
13 revocation of status;

14 (d) To act on petitions for cancellation of Alien Certificate of Registration by  
15 reason of acquisition of Philippine citizenship, either by birth, election, marriage,  
16 repatriation, or naturalization;

17 (e) To decide on applications for legalization of residence;

18 (f) To decide Petitions for Recognition as Filipino citizen and for  
19 administrative naturalization under this Act heard by the Board of Special Inquiry;

20 (g) To decide applications for refugee status or asylum heard by the Board of  
21 Special Inquiry;

22 (h) To prescribe rules governing proceedings before it;

23 (i) To punish for contempt, both direct and indirect, in accordance with the  
24 pertinent provisions of the Revised Rules of Court;

25 (j) To prepare and publish an organizational, policy and procedures manual,  
26 to include requirements, time periods and fees for the perfection of all transactions  
27 entered into by the Commission with the public;

28 (k) To professionalize the immigration service by instituting a rigid system of  
29 screening, selection and development of immigration officers and personnel to ensure

1 that only those who are academically, physically and morally fit are appointed,  
2 particularly to positions which are sensitive in nature;

3 (l) To formulate policies, directives, programs and projects, as well as the  
4 rules and regulations and guidelines to implement the provisions of this Act; and

5 (m) To perform such other functions and powers as may be provided by  
6 existing laws, rules and regulations of the Commission not inconsistent with any of the  
7 provisions of this Act.

8 SEC. 11. *Decisions of the Board.* - In any case or proceeding coming before the  
9 Board of Commissioners, the decision of the majority shall prevail. All decisions of the  
10 Board of Commissioners shall become final and executory after the lapse of fifteen (15)  
11 days from promulgation unless stayed upon order of the Court of Appeals.

12 SEC. 12. *Period for Decision by the Board.* - Cases before the Board of  
13 Commissioners shall be decided or resolved by the Board within thirty (30) days from  
14 the date that they are submitted for decision or resolution.

15 SEC. 13. *Meetings of the Board.* - In all cases, the Board of Commissioners  
16 shall convene and act as collegial body in all matters referred to in Sec. 10 of this Act.  
17 The Board shall meet at least twice a month, or as often as the need arises, on such  
18 day or days as the chairperson may fix. The notice of the meeting shall be given to all  
19 the members of the Board of Commissioners and the presence of the chairperson and  
20 two (2) members shall constitute a quorum. In no case shall the Board convene in the  
21 absence of the chairperson.

## 22 **Chapter 5. - The Executive Director**

23 SEC. 14. *Appointment; Tenure; Qualifications and Functions.* - There shall be  
24 an Executive Director of the Commission who shall be appointed by the Commissioner  
25 and shall hold office during good behavior, unless sooner removed for cause. He must  
26 be a natural born citizen of the Philippines, at least thirty (30) years of age, and a  
27 member of the Philippine Bar in good standing for at least three (3) years prior to his  
28 appointment. He shall act as the technical consultant of the Commissioner and shall

1 serve as the Executive Secretary to the Board of Commissioners. The Executive  
2 Director shall have the following functions:

3 (1) To be directly responsible for the effective implementation of the policies,  
4 directives, programs and projects and the rules and regulations and guidelines  
5 promulgated by the Commission;

6 (2) To coordinate and supervise the activities of the different operating units  
7 of the Commission; and

8 (3) To perform such other functions that may be assigned by the  
9 Commissioners.

### 10 **Chapter 6. – The Board of Special Inquiry**

11 SEC. 15. *Constitution of a Board of Special Inquiry.* – Twelve (12) Boards of  
12 Special Inquiry are hereby constituted, each to be composed of a chairperson and two  
13 (2) members. Each Board shall be designated according to their areas of  
14 specialization. Among these areas are: application for immigrant and non-immigrant  
15 visas of foreign nationals in the Philippines, and exclusion and deportation cases.

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

23 The Commissioner shall appoint from among all members of the Board an  
24 executive chairperson, who shall be responsible in designating the Boards according to  
25 their areas of specialization subject to the approval of the Commissioner.

26 The chairpersons and members shall receive an annual salary in accordance  
27 with the salary standardization law.

28 SEC. 17. *Functions and Duties of the Board of Special Inquiry.* - The Board of  
29 Special Inquiry shall:

1           1.     Have exclusive original jurisdiction to hear and submit for final resolution  
2 of the Board of Commissioners the following cases:

- 3           (a)    Deportation cases;
- 4           (b)    Application for legalization of unlawful residence;
- 5           (c)    Applications for refugee status or asylum;
- 6           (d)    Questionable or doubtful admission or exclusion;
- 7           (e)    Cancellation of immigrant visas, reentry permits, identification certificate  
8                as a citizen of the Philippines or any other documents issued by the  
9                Commission obtained by fraud, misrepresentation or concealment of  
10              material facts; and
- 11          (f)    Violations of the immigration and alien registration laws.

12          2.     The Boards of Special Inquiry shall perform such other functions and  
13 powers as now or hereafter may be provided by law, or such rules and regulations of  
14 the Commission not inconsistent with any of the provisions of this Act.

15          SEC. 18. *Powers of the Board of Special Inquiry.* – In order to effectively  
16 exercise their functions, the Boards of Special Inquiry shall have the following powers:

- 17          (a)    To administer oaths;
- 18          (b)    To punish for contempt of the Board and/or the Commission, both direct  
19                and indirect, in accordance with the pertinent provisions of the Rules of Courts;
- 20          (c)    To recommend to the Commissioner the issuance subpoena and  
21                subpoena duces tecum and summon witnesses to appear in any proceedings of the  
22                Boards of Special Inquiry; and
- 23          (d)    To recommend to the Commissioner the imposition of fines and penalties  
24                and waiver or reduction of fees, charges, fines, and penalties not provided for in this  
25                Act.

26          SEC. 19. *Proceedings before the Board of Special Inquiry.* - The hearings and  
27 proceedings before the Boards of Special Inquiry shall be public and open and shall be  
28 faithfully recorded. In all cases, the Board of Special Inquiry shall meet and act as a  
29 board. Only members of the Philippine Bar in good standing shall appear for an in

1 behalf of any party before the Boards of Special Inquiry: *Provided, however,* That in  
2 deportation cases, no private individual shall be allowed to appear and act as private  
3 prosecutor.

4 SEC. 20. *Resolutions of the Board of Special Inquiry.* – Cases before the Boards  
5 of Special Inquiry shall be decided or resolved within thirty (30) days from the date that  
6 they are submitted for resolution. Resolutions of the Board of Special Inquiry shall be  
7 submitted to the Board of Commissioners for their approval/disapproval and shall  
8 become final and executory fifteen (15) days after receipt of a copy thereof by the alien  
9 or his counsel of record, unless appeal has been perfected to the Board of  
10 Commissioners. No motion for reconsideration is allowed.

11 SEC. 21. *Procedure and Period For Appeal.* - An alien may appeal the  
12 resolution of the Board of Special Inquiry to the Board of Commissioners by filing a  
13 notice of appeal, payment of the appeal fee, and submission of a written memorandum  
14 of appeal signed by the foreign national. The appeal must be filed with the Board of  
15 Special Inquiry who decided the case, within forty-eight (48) hours from the time a copy  
16 of the resolution is received by the appellant and/or counsel of record. No appeal filed  
17 after this period shall be accepted. Where such appeal has been taken, any further  
18 appeal shall be disregarded.

19 SEC. 22. *Transmittal of the Records on Appeal to the Board of Commissioners.* -  
20 The Boards of Special Inquiry shall, upon perfection of the appeal, transmit within forty-  
21 eight (48) hours the entire records of the case to the Board. The Board may, motu  
22 proprio or upon motion by the appellant, hear the case de novo or receive additional  
23 evidence. The appeal shall stay the resolution or decision appealed from unless the  
24 Board directs its execution pending appeal considering the nature and circumstances of  
25 the case.

26 SEC. 23. *Period for Resolution of the Appeal.* - The Board of Commissioners  
27 shall decide the appeal within sixty (60) days from receipt of the records of the case.  
28 The decision of the Board shall become final and executory fifteen (15) days after  
29 receipt by the appellant or his counsel of record of a copy thereof.

1                   **Chapter 7. - Departments and Personnel of the Commission**

2           SEC. 24. *Departments of the Commission.* - The Commission shall have seven

3 (7) departments, namely:

- 4           A.     Administration;
- 5           B.     Law and Investigation;
- 6           C.     Financial and Management;
- 7           D.     Intelligence;
- 8           E.     Immigration Regulations and Alien Control;
- 9           F.     Alien Registration and Statistics;
- 10          G.     Electronic Data Processing and Records Management;

11           SEC. 25. *Heads of the Department.* - Each of the above departments shall be  
12 headed by a Director who shall be a holder of a college degree and the appropriate civil  
13 service eligibilities: Provided, however, That the Director for Law and Investigation shall  
14 be a member of the Philippine Bar in good standing and the Director for Financial And  
15 Management shall be a Certified Public Accountant.

16           SEC. 26. *Functions of each Department.* - A. The Administration Department  
17 shall have the following functions:

- 18           (1)     Direct and supervise the administrative and other support activities of the  
19                   Commission;
- 20           (2)     Develop and administer progressive personnel management programs on  
21                   recruitment, selection, appointment, placement, promotions, career and  
22                   employee development, welfare services and incentive system; and  
23                   develop and conduct appropriate training programs for personnel of the  
24                   Commission;
- 25           (3)     Serve as a clearing center for all official communications, whether  
26                   incoming or outgoing; establish and maintain a sound central records  
27                   system and the efficient management thereof;
- 28           (4)     Acquire and process requisitions for supplies, materials, and equipment,  
29                   provide for the safe and proper storage thereof, and conduct periodic

1 inventory of the same; provide messengerial, janitorial, security, and other  
2 utility services;

3 (5) Reproduce, disseminate, and maintain an updated compilation of all  
4 issuance of the Commission signed by the Commissioner or Board of  
5 Commissioners and make the same available to any interested party; and  
6 maintain and keep an official logbook of all such issuance;

7 (6) Administer the medical and dental services and physical fitness programs  
8 of the Commission;

9 (7) Receive complaints and grievances from the general public, prepare  
10 referrals to concerned offices and monitor responses or actions taken;  
11 and

12 (8) Perform such other functions as directed by the Commissioner or as may  
13 be provided by law.

14 B. The Law and Investigation Department shall have the following functions:

15 (1) Advise the Commissioner on all legal matters affecting the administration  
16 and enforcement of the immigration, alien registration, citizenship, and  
17 naturalization laws; and render legal service to the Commissioner and  
18 employees of the Commission;

19 (2) Represent the Commission or the Commissioner in court, collaborate with  
20 the office of the Solicitor General in the proper prosecution of cases on  
21 appeal to the Court of Appeals or the Supreme Court; collaborate with the  
22 prosecutor concerned in the prosecution of criminal cases for violation of  
23 the immigration, alien registration, citizenship, and naturalization laws;

24 (3) Process, evaluate, and recommend appropriate action to the  
25 Commissioner on applications/petitions for declaration of indigency; and  
26 investigate and recommend appropriate action to the Commissioner  
27 involving complaints for violations of the immigration and alien registration  
28 laws and regulations;

- 1 (4) Prepare request to any law enforcement agency for a background  
2 investigation and records check of native-born foreign national applying  
3 for administrative naturalization or recognition for the approval of the  
4 Commissioner;
- 5 (5) Process, evaluate, and recommend appropriate action to the Board of  
6 Commissioners visa applications/petitions provided for under Section 35  
7 paragraphs (e), (f), (g), (h), (i), (j), (k) and (l);
- 8 (6) Prepare request to any law enforcement agency for a background  
9 investigation and records check of native-born foreign national applying  
10 for administrative naturalization or recognition for the approval of the  
11 Commissioner;
- 12 (7) To gather and consider evidence which is material and relevant to the  
13 administration and enforcement of this Act and, when necessary, make a  
14 written record of such, evidence;
- 15 (8) To recommend to the Commissioner the issuance of search warrants and  
16 warrants of arrest and other processes against aliens complained of or  
17 charged;
- 18 (9) Recommend confiscation of cash bonds or surety bonds for violation of  
19 the terms and conditions thereof;
- 20 (10) Evaluates complaints on alien, smuggling; prepares complaint affidavits  
21 against aliens and other persons who engaged in human smuggling for  
22 filing with the office of the prosecutor for possible filing of criminal charges  
23 before the courts;
- 24 (11) Investigate administrative cases against employees of the Commission  
25 when directed by the Commissioner;
- 26 (12) Represent the Commission in matters relating to agreements between the  
27 Philippines and another country concerning immigration, illegal entry, and  
28 border crossing;

- 1 (13) Shall act as the prosecuting arm of the Commission, more particularly on  
2 deportation cases;
- 3 (14) Prepare warrants of detention and search and seizure warrants for  
4 violation of the immigration and alien registration laws and regulations;  
5 and prepare hold-departure orders or orders for the lifting thereof upon  
6 instructions of the Commissioner;
- 7 (15) They shall likewise process and make recommendations on Petitions for  
8 administrative naturalization and petitions for recognition as Filipino  
9 citizens which shall include the following functions:
- 10 a. Process and make recommendations on applications for  
11 administrative naturalization and cancellation of alien registry  
12 based on claims of Philippine citizenship either by birth, election,  
13 marriage, repatriation, or naturalization;
- 14 b. Process and make recommendations on petitions for recognition of  
15 Filipino citizens;
- 16 c. Process, evaluate and make recommendations to the Board of  
17 Commissioners on visa applications/petitions for conversion of  
18 admission status from temporary visitor to quota or non-quota  
19 immigrant visa.
- 20 d. Receive and docket all petitions for administrative naturalization,  
21 cancellation of Alien Certificate of Registration (ACR) or  
22 recognition as Filipino citizens filed under this Act and handle the  
23 publication requirements thereof;
- 24 e. Recommend the revocation or Certificates of Identification of  
25 Philippine Citizenship or Certificate of naturalization issued  
26 pursuant to this Act, acquired through fraud, misrepresentation,  
27 false and misleading statements or documents, or concealment of  
28 material facts;

- 1 f. Keep and preserve intact at all times records of all proceedings for  
2 the acquisition or reacquisition of Philippine citizenship and all  
3 other official actions related to or in connection therewith;
- 4 g. Process and make recommendations on application for  
5 administrative naturalization and cancellation of alien registry  
6 based on claims of Philippine citizenship either by birth, election,  
7 marriage, repatriation, or naturalization;
- 8 h. Process and make recommendations on petitions for recognition of  
9 Filipino citizens;
- 10 i. Receive and docket all petitions for administrative naturalization,  
11 cancellation of Alien Certificate of Registration (ACR) or  
12 recognition as Filipino citizens filed under this Act and handle the  
13 publication requirements thereof; and

14 (16) Perform such other functions as may be directed by the Commissioner or  
15 as may be provided by law.

16 C. The Financial Management Department shall have the following functions:

17 (1) Prepare the annual and special budgets of the Commission; provide  
18 technical advice on fiscal matters; prepare and submit performance and fiscal reports;  
19 and control allotments and obligations;

20 (2) Maintain and keep books of accounts for the Commission; ascertain that  
21 all transactions have been properly recorded; submit financial statements and reports;  
22 ascertain and certify to the correctness of vouchers for traveling expenses; and  
23 compute and deduct Government Service Insurance System (GSIS) insurance  
24 premiums, Medicare contribution, withholding taxes and other legitimate payroll  
25 deductions; and prepare correspondence on bookkeeping matters;

26 (3) Undertake regular management studies of the Commission's  
27 organizational structure and manpower requirements and utilization; review existing  
28 methods, procedure, and systems; and make recommendations for improvements;

29 (4) Undertake income projections for the Commission;

1 (5) Prepare annual budgetary requirements of the Commission to be  
2 submitted to the Department of Justice and the Department of Budget and  
3 Management; and

4 (6) Perform such other functions as directed by the Commissioner or as may  
5 be provided by law.

6 D. The Intelligence Department shall have the following functions:

7 (1) Provide accurate and complete intelligence information for the effective  
8 enforcement of the immigration, alien registration, citizenship, and laws and regulations;

9 (2) Collect, collate, and evaluate data and information on acts in violation of  
10 the immigration, alien registration, citizenship, and naturalization laws and regulations,  
11 and immediately report such violations to the Commissioner or immigration district  
12 director concerned, and take the necessary and appropriate action as directed by them;

13 (3) Coordinate with other intelligence and security agencies (domestic and  
14 foreign) in the collection and dissemination of intelligence information concerning aliens  
15 entering or leaving the Philippines;

16 (4) Detect and report subversive and terrorist activities of aliens and other  
17 activities inimical to national interest;

18 (5) Take steps to safeguard the country from illegal entrants;

19 (6) Conduct surveillance operations in specific target areas as directed by the  
20 Commissioner or his/her authorized representative;

21 (7) Interview aliens summoned or conduct inquiry of aliens taken into custody  
22 pursuant to a warrant of detention;

23 (8) Serve orders and/or subpoenas issued by the competent authorities of the  
24 Commission; and

25 (9) Perform such other functions as directed by the Commissioner or as may  
26 be provided by law.

27 E. The Immigration Regulations and Alien Control Department shall have the  
28 following functions:

29 1. Immigration Regulation

1 (a) Enforce the immigration laws and the regulations relating to the entry and  
2 admission of aliens on primary inspection, as well as their exclusion or repatriation, and  
3 the temporary landing of transients; and those relating to the imposition of  
4 administrative fines against vessels or aircraft for violations of the immigration laws and  
5 regulations;

6 (b) Monitor all aliens admitted for temporary or limited periods only, in  
7 coordination with the Intelligence Division;

8 (c) Keep under surveillance all commercial vessels or aircraft and the alien  
9 members of their crew while in Philippine territory;

10 (d) Serve warrants of detention, or search and seizure warrants, issued by the  
11 Commissioner;

12 (e) Take charge of the physical detention of aliens pending determination of  
13 their excludability, deportability, or reparability;

14 (f) Take charge of and attend to the removal or deportation of aliens;

15 (g) Draft orders and circulars for the guidance of immigration officers in the  
16 proper enforcement of the immigration laws and the regulations, for the approval of the  
17 Commissioner; and

18 (h) Perform such other functions as directed by the Commissioner or as may  
19 be provided by law.

20 2. The Sub-ports and Border Crossing Monitoring

21 (a) To conduct border patrol operations in the agreed border areas in order to  
22 deter illegal activities and other acts inimical to the national interests of the Philippines  
23 and the contracting state concerned;

24 (b) To establish an expeditious and simplified system of control for the entry  
25 and exit of qualified boarder crossers;

26 (c) To enforce passport, visa and immigration laws and regulations in all other  
27 cases of travel or border crossing not covered by such agreement;

28 (d) To oversee the exclusion, apprehension, deportation, and repatriation of  
29 illegal entrants; and

1 (e) To perform such other duties and functions as directed by the  
2 Commissioner or higher authorities.

3 3. The Travel Control for International Airports and Seaports

4 (a) The enforcement and the administration of the immigration laws within the  
5 premises and areas of an international airport;

6 (b) To establish an expeditious and simplified system of control for the entry  
7 and exit of qualified border crossers;

8 (c) To enforce passport, visa and immigration laws and regulations in all other  
9 cases of travel or border crossing not covered by such agreement;

10 (d) To oversee the exclusion, apprehension, deportation, and repatriation of  
11 illegal entrants; and

12 (e) To perform such other duties and functions as directed by the  
13 Commissioner or higher authorities.

14 F. *The Alien Registration and Statistics Department* - shall have the following  
15 functions.

16 (1) Take charge of the registration of aliens pursuant to and in accordance  
17 with the Alien Registration Act of 1950, as amended, and the regulations and  
18 subsequent national listing or census of aliens who are residents in the Philippines;

19 (2) Prepare certificates of identification of Philippine citizenship and  
20 certificates of naturalization under this Act, for the signature of the Commissioner and  
21 transmittal to the Department of Justice for the signature of the Secretary;

22 (3) Keep and maintain photofile records of registered aliens; and records of all  
23 portrait parole examinations;

24 (4) Take and maintain records of fingerprints of registered aliens; classify,  
25 verify, and file fingerprint charts for dactylographic purposes, and preserve their integrity  
26 at all times;

27 (5) Issue certifications reflecting the true status or category of aliens, such as  
28 non-immigrants, immigrants, temporary visitors, treaty traders, pre-arranged employee  
29 and non-immigrant students;

1           (6)    Issue exit clearance certificates, certificates of exemption, re-entry permits  
2 of aliens under the same status prior to leaving the country;

3           (7)    Issue duplicate originals for lost certificates of registration, certificates of  
4 residence or other registration documents of aliens, after investigation and favorable  
5 recommendation of the Alien Registration and Statistics Department;

6           (8)    Draft orders and circulars for the guidance of alien registration officers in  
7 the proper enforcement of the alien registration laws and the regulations, for the  
8 approval of the Commissioner; and

9           (9)    Perform such other functions as directed by the Commissioner or as may  
10 be provided by law.

11           G.    *The Electronic Data Processing and Records Management Department*  
12 shall have the following functions:

13           (1)    Plan, design, and implement all management information, office  
14 automation, and data processing systems of the Commission;

15           (2)    Plan for, install, maintain in proper condition, and operate computers, data  
16 communication facilities, and automation equipment with emphasis on ensuring the  
17 integrity and protection of the data and information stored in the system;

18           (3)    Linking, planning, execution and control within the subsystem;

19           (4)    Coordinating and integrating the subsystem;

20           (5)    Prepare computer equipment sites and acquire related software, materials  
21 and supplies;

22           (6)    Ensure effective usage of computer resources;

23           (7)    Develop and train service personnel in modern computer and office  
24 automation techniques, and train other personnel in its efficient usage;

25           (8)    Keep and maintain original up-to-date and accurate records of all  
26 registered aliens in the Philippines, reports of change of address, amendments to  
27 entries in their certificates of registry to show the correct particulars of registered aliens,  
28 and cancellation of the alien's registry by reasons of his death or acquisition of  
29 Philippine citizenship, and preserve their integrity at all times;

1 (9) Keep and maintain an updated file of derogatory records and properly  
2 evaluated summaries of information against aliens, including those who have been  
3 excluded, removed, and deported and those facing deportation charges, or are included  
4 in the hold-order list, blacklist or watch list;

5 (10) Establish links with other government agencies to facilities validation of  
6 required documents presented for all transactions and gathering supplement  
7 information for other services of the Commission;

8 (11) Ensure the security, safety and integrity of all records, data and  
9 information stored in the system; and

10 (12) Perform such other functions as directed by the Commissioner or as may  
11 be provided by law.

## 12 **Chapter 8. - Immigration and Naturalization Regions**

13 SEC. 27. *Establishment of Immigration and Naturalization Regions; Head*  
14 *Thereof.* - The Commissioner shall group provinces and cities in the Philippines on the  
15 demographics of its alien population, into immigration and naturalization regions, the  
16 respective limits of which may be changed from time to time for the effective  
17 administration, implementation and enforcement of this Act. An immigration and  
18 naturalization region shall have its principal office in the place where the principal port of  
19 entry for customs purposes is located. It shall be headed by a Regional alien control  
20 Supervisor who shall be charged with the administration and enforcement of  
21 immigration, alien registration, citizenship, and naturalization laws and other related  
22 laws within his jurisdiction and operational area of responsibility. He shall also perform  
23 such other functions as may be directed by the Commissioner.

24 SEC. 28. *Powers, duties and functions of the Regional Alien Control*  
25 *Supervisor.* – Subject to the rules, regulations, policies and standards to be prescribed  
26 by the Commissioner, the Regional Alien control Supervisor shall, within the region  
27 under his jurisdiction and operational area of responsibility, perform the following  
28 powers, duties and functions:

- 1 (a) Implement the laws, policies, programs, and the rules and regulations of  
2 the commission;
- 3 (b) Collect immigration fees as may be allowed by the Commissioner;
- 4 (c) Issue immigration documents including visas as may be delegated by the  
5 Commissioner;
- 6 (d) Prescribe regulations, not inconsistent with this Act, or the regulations of  
7 the Commission, for the effective administration of the region, the same to be effective  
8 upon approval by the Commissioner;
- 9 (e) Supervise the officers and employees of the immigration field offices in the  
10 cities and provinces;
- 11 (f) Coordinate with other regional officials of other departments,  
12 commissions, or agencies of the government in his region; and
- 13 (g) Perform such other functions as may be provided by law or as directed or  
14 delegated to him by the Commissioner.

#### 15 **Chapter 9. – Immigration Field Offices**

16 SEC. 29. *Establishment of Immigration Field Offices.* - The Commissioner shall  
17 establish immigration field offices in such cities and provinces where the entry of  
18 foreigners and the alien population in such places warrant.

19 SEC. 30. *Head of Immigration Field Office; Responsibility.* - The Immigration  
20 Field Office shall be headed by the District Alien Control Officer who shall be  
21 responsible for the enforcement and administration of the immigration laws, policies and  
22 procedure within their respective cities and provinces. Said field office shall be under  
23 the supervision and control of the Regional Alien Control Supervisor.

#### 24 **Chapter 10. - Other Officers of the Commission**

25 SEC. 31. *Immigration Attachés.* – The positions of Immigration Attachés are  
26 hereby created. No person shall be appointed to the position of immigration attachés  
27 unless he has been employed in the Commission holding a position not lower than a  
28 section head for at least three (3) consecutive years immediately prior to his  
29 appointment with the appropriate eligibilities and qualifications for such a post. He

1 should not have any administrative or criminal case filed against him. They shall report  
2 directly to the Commissioner.

3       SEC. 32. *Immigration Officers.* – The positions of immigration officers are hereby  
4 created. No person shall be appointed to the position of immigration officer unless he is  
5 a holder of a bachelor’s degree and a first grade civil service eligible. The immigration  
6 officers shall perform the following duties:

7       (a) To examine with the assistance and advice of medical authorities in  
8 appropriate cases, aliens at the port of entry concerning their admissibility to enter and  
9 their qualifications to remain in the Philippines;

10       (b) To exclude aliens not properly documented, and to admit non-immigrants  
11 complying with the applicable provisions of immigration and related laws;

12       (c) To administer oaths in connection with the performance of their duties: to  
13 take and consider evidence concerning the right of any alien to enter or reside in the  
14 Philippines to go on board and search for aliens on any vessel, aircraft or other  
15 conveyance believed being used to bring aliens into the Philippines illegally, and to  
16 arrest without warrant any alien who in the presence or view of the immigration officers  
17 is entering or is about to enter the Philippines in violation of immigration and related  
18 laws, rules and regulations;

19       (d) To conduct a search, without warrant, of an alien seeking admission to the  
20 Philippines, and of the personal effects in his possession, whenever the immigration  
21 officer has reasonable cause to suspect that grounds exist for exclusion of such alien  
22 from the Philippines under this Act;

23       (e) To act as control officers in the departure of aliens, and in this connection,  
24 to prevent the departure of aliens who do not possess the necessary emigration  
25 clearance certificate or exemption certificate or other required exit document validly and  
26 regularly issued; and

27       (f) To implement regulations or orders issued by the Commissioner  
28 concerning the entry into and the departure from the Philippines of all persons.



1           (b)     Business Visitors (B-1 Visas) & Pleasure Visitors (B-2 Visas) – Temporary  
2 visitors or visitors temporarily engaged in activities of a commercial or professional  
3 nature for a foreign employer or for themselves that will not result in gainful employment  
4 in the Philippines. As used herein, the term “business” refers to conventions,  
5 conferences, consultations and other legitimate activities of a commercial or a  
6 professional nature, but does not include local employment or labor for hire. The term  
7 “pleasure” refers to leisurely stay or stay in the Philippines for holiday purposes.

8           (c)     Transit Persons (C Visas) – Persons passing through the Philippines  
9 merely for a “stop over” who have confirmed reservations to catch connecting flights to  
10 another country within a designated period of time or passengers in immediate and  
11 continuous transit through the Philippines to a destination outside thereof.

12           (d)     Crew members (D Visas) – Members of the crew of aircraft or vessels  
13 required for the normal operation and servicing of the aircrafts or vessels, who come to  
14 the Philippines temporarily as part of their jobs either arriving with or coming to join the  
15 vessels or aircrafts. As used herein, a crewman is defined as one serving as such in  
16 any capacity required for the normal operation and services on board a vessel or  
17 aircrafts who intends to land temporarily and solely in pursuit of his calling as a  
18 crewman and to depart from the Philippines with the vessel or aircraft.

19           (e)     Treaty Traders (E-1 Visas) & Treaty Investors (E-2 Visas) - Citizens and  
20 their family members from a country that has trade treaty with the Philippines and  
21 coming to work in the Philippines for either a company they own or one that has at least  
22 fifty percent (50%) by other nationals of their own home country must be engaged in  
23 substantial trade between the Philippines and their home country shall be granted an E-  
24 1 visa.

25           Citizens and their family members of a country that has an investor treaty with  
26 the Philippines and coming to work in the Philippines for a business they own or one  
27 that has at least fifty percent (50%) by other nationals of their home country and which  
28 business is supported by a substantial investment from national of their home country  
29 shall be granted an E-2.

1 (f) Representatives of International Organizations and Government Agencies  
2 (F Visas) - Officials and principal representatives and foreign workers of accredited  
3 international organizations as well as missions including their family members, staff and  
4 servants. As used herein, the term “accredited international organization” includes any  
5 public international organization in which the Philippines participates pursuant to any  
6 treaty or under the authority of any act of the Congress of the Philippines authorizing  
7 such participation or making an appropriation of such participation and such other  
8 international organizations, institutions, agencies, programs, foundations and entities  
9 which are recognized by the government of the Republic of the Philippines, including  
10 those existing and already recognized as such at the time of the effectivity of this Act.  
11 The term “servants” refer to members of the households and employees of persons to  
12 whom the F visa has been granted.

13 (g) Media Workers (G Visas) –Foreign media personnel or correspondents  
14 duly accredited by the government agency concerned , who are bona fide  
15 representatives of a foreign press, radio, satellite, television, film, or other information  
16 media, and are coming to the Philippines solely to engage in gathering unrestricted  
17 information principally for dissemination abroad, including their family members  
18 accompanying or following to join them during the period of the assignment in the  
19 Philippines.

20 (h) Student (H Visas) - Foreign students having means sufficient for their  
21 support and education in the Philippines who are at least sixteen (16) years of age and  
22 who seek to enter the Philippines temporarily for the sole purpose of taking up a course  
23 of study higher than high school at a university/seminary, academy or college approved  
24 for such a kin students by the Commissioner; Provided that the Commissioner shall, in  
25 collaboration with the Commission for Higher Education, regularly monitor that status  
26 and activities of said alien students in the Philippines under such arrangements as may  
27 be agreed by the two agencies.

28 (i) Exchange Visitors (I Visas) - Aliens entering the Philippines temporarily  
29 to teach, study, observe, conduct research or receive training in a specific Exchange

1 Visitor Program duly approved by the Philippine Government which includes experts,  
2 industrial and business trainees, scholars, students, teachers, researchers, medical  
3 residents or interns.

4 (j) Foreigners Under Prearranged Employment (J Visas) – Aliens coming to  
5 the Philippines on prearranged employment, including their family members  
6 accompanying or following to join them within the period of their employment. This  
7 includes intra-company transferees, professionals, specialty occupations, persons of  
8 extraordinary capabilities, performing artists and athletes, and cultural exchange  
9 workers under a work exchange program.

10 (k) Religious Workers (K Visas) – Duly obtained or professional missionaries  
11 and religious ministers including members of their family coming to the Philippines to  
12 join a religious congregations 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 the doctrines, dogmas or tenets of their faith or religion.

16 (l) Refugees and Asylum seekers (-1 Visas) & Stateless Persons (L-2 Visas)  
17 – Refugees and stateless persons whose admission for humanitarian reasons and  
18 when not opposed to public interest has been approved by the Commissioner or the  
19 President in such class of cases and under such conditions as he may prescribe. As  
20 used herein, the term “refugee” refers to a person, who owing to a well founded fear of  
21 prosecution for reasons of race, religion, nationality, membership in a particular social  
22 group or political opinion, is outside the country of his nationality and is unable or, owing  
23 to such fear, unwilling to avail himself of the protection of that country, or who not  
24 having a nationality and being outside the country of his former habitual residence is  
25 unable or unavailing to return to it. As used herein, the term “stateless person” refers to  
26 a person who is not considered a national by any State under the operation of its law.

27 (m) Special Non-Immigrants (M Visas) - Such other aliens including their  
28 family members who may be admitted as non-immigrants under special laws or aliens  
29 not otherwise provided for by this Act who are coming for temporary periods only, and

1 whose admission are authorized by the Commissioner or the President in the public  
2 interest or for humanitarian considerations and under such conditions as he may  
3 prescribe.

#### 4 **Chapter 2. - Immigrants**

5 SEC. 36. *Quota Immigrants.* - Subject to conditions set forth in this Act, there  
6 may be admitted into the Philippines immigrants, termed "quota immigrants", not to  
7 exceed two hundred (200) of any one nationality based on immigration reciprocity, for  
8 any one calendar year, and upon allotment by the Commissioner of the corresponding  
9 quota number. In the allotment of quota numbers, the following order of preference  
10 shall be observed:

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

18 (b) Second Preference - Parents of a citizen

19 (c) Third Preference - Spouses or minor children of foreign nationals who are  
20 lawful permanent residents of the Philippines.

21 (d) Fourth Preference -- Parents of foreign nationals/aliens who are lawful  
22 permanent residents of the Philippines.

23 SEC. 37. *Non-Quota Immigrants.* - The following immigrants, termed "non-quota  
24 immigrants", may be admitted without regard to numerical limitation and immigration  
25 reciprocity:

26 (a) The spouse of a citizen: Provided, however, that the abandonment and  
27 failure to give support by the alien spouse to his Filipino wife and family, legal  
28 separation, or termination of the marital status by annulment or divorce where the cause  
29 is attributable to the alien spouse, shall constitute grounds for cancellation of the

1 immigrant visa issued to the alien spouse if such even occurs within two (2) years from  
2 the date of their marriage;

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

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

9 (d) A woman who was formerly a citizen of the Philippines and who lost her  
10 citizenship by reason of marriage to a foreign national or the loss of Philippine  
11 citizenship by her husband, including her family members accompanying or following to  
12 join her;

13 (e) A foreign national who had been lawfully admitted into the Philippines for  
14 permanent residence, who is returning from a temporary visit abroad to an non-  
15 relinquished residence in the Philippines;

16 (f) A natural born citizen who become a naturalized citizen of a foreign  
17 country, and is returning to the Philippines for permanent residence therein, including  
18 his spouse and minor children accompanying or following to join him;

19 (g) A foreign national legally adopted by a citizen; and

20 (h) Spouse of a foreign national who has been granted a permanent resident  
21 visa.

22 SEC. 38. *Allotment of Quota.* - The Commissioner shall, in allotting quota  
23 numbers for the first preference, allot not more than fifty percent (50%) of the annual  
24 quota allotment up to the end of June each year: Provided, however, that if the fifty  
25 percent (50%) is not utilized by the first preference, the balance thereof shall be given to  
26 the second and third preferences following the order of preference specified under  
27 Section 36 of this Act. Any unused quota allotment for calendar year cannot be carried  
28 over and utilized for the ensuing calendar year



1 date of approval of the application. The Commissioner shall reduce by one of the  
2 preference immigrant visa authorized to be issued under Section 36 of this Act within  
3 the class to which the foreign national is chargeable for the calendar year then current,  
4 is such be the case.

5       SEC. 43. *Adjustment of Status, When Not Allowed.* - Adjustment of status under  
6 Section 41 of this Act shall not be applicable to (a) an alien crewman; (b) a foreign  
7 national who hereafter continues in or accepts unauthorized employment prior to filing  
8 of his application or who is in unlawful immigration status on the date of filing of his  
9 application or who has failed (other than through no fault of his own or for technical  
10 reasons) to maintain continuously a lawful status since entry into the Philippines, (c) a  
11 foreign national admitted as a temporary visitor without visa, and (d) transients.

#### 12                   **Chapter 4. – Documentation and Admission of Non-Immigrants**

13       SEC. 44. *Documentary Requirements of Non-Immigrants; Instances when not*  
14 *required.* - Non-immigrants must present for admission into the Philippines valid  
15 passports issued by the governments of the countries to which they owe allegiance or  
16 other travel documents showing their origin and identify as prescribed by regulations,  
17 and valid visa granted by Philippine diplomatic or consular officers; except that no  
18 documentation shall be required in respect of the following aliens:

19       (a) A child qualifying as a non-immigrant born subsequent to the issuance of  
20 the passport visa of an accompanying parent, the visa not having expired;

21       (b) A crewman qualifying as such under the pertinent provisions of this Act;

22       (c) A foreign government official covered by agreements on the waiver of  
23 official visas;

24       (d) A national of a country with which the Philippines has agreement on  
25 waiver of visas;

26       (e) An alien entering with the approval of the President expressly waiving visa  
27 requirements pursuant to the provisions of Section 52 and 53 of this Act; and

28       (f) An alien coming to the Philippines as a bona fide tourist under special  
29 laws.

1           SEC. 45. *Conditions and Period of Authorized Stay of Temporary Visitors.* - The  
2 period of authorized stay of a non-high risk foreign national admitted as a temporary  
3 visitor under Section 35 paragraph (b) of this Act shall in no case exceed one (1) year  
4 and fifty-nine (59) days counted from the date of arrival, while that of a high risk foreign  
5 national shall in no case exceed seven (7) months and twenty-nine (29) days and shall  
6 be subject to the following conditions, unless waived by the Commissioner:

7           (a) He shall not take any employment, whether paid or unpaid;

8           (b) He shall not establish or join in any business; and

9           (c) He shall not enroll and become a student at a school, college, university,  
10 academy, or other educational institution.

11           SEC. 46. *Conditions for Issuance of Pre-arranged Visas.* – A passport visa for a  
12 nonimmigrant referred to in Sec. 35 (j) of this Act who is coming to prearranged  
13 employment shall not be issued by a consular officer until the consular officer shall have  
14 received authorization for the issuance of the visa. Such authorization shall be given  
15 only on petition filed with the Commissioner of Immigration establishing that no person  
16 can be found in the Philippines willing and competent to perform the work or service for  
17 which the nonimmigrant is desired and that the non-immigrant's admission would be  
18 beneficial to the public interest. The petition shall be made under oath, in the form and  
19 manner prescribed by regulations, by the prospective employer or his representative.  
20 The petition shall state fully the nature of the work or service for which the nonimmigrant  
21 is desired, the probable length of time for which he is to be engaged, the salary and  
22 other compensation which he is to receive, the reasons why a person in the Philippines  
23 cannot be engaged to perform the work or service for which the nonimmigrant is desired  
24 and why the nonimmigrant' admission would be beneficial to the public interest. The  
25 petition shall be accompanied by a certified copy of any written contract or agreement  
26 entered into for the immigrant's service and shall contain such additional information as  
27 may be deemed material. Substantiation of all the allegations made in the petition shall  
28 be required and the allegations that no person can be found in the Philippines willing  
29 and competent to perform the work or service for which the nonimmigrant is desired and

1 that nonimmigrant' admission would be beneficial to the public interest shall be  
2 established beyond doubt by convincing and satisfactory evidence.

3 If the Board of Commissioners finds that the petition complies with the  
4 requirements of the preceding paragraph and that the petitioner has established the  
5 facts entitling him to the authorization, the Board shall grant the petition and the  
6 Commissioner shall so inform the petitioner and promptly transmit authorization to the  
7 consular office at which the immigrant is to apply for a visa.

8 *SEC. 47. Conditions for Admission and Stay of Other Non-immigrants.* - Except  
9 as provided for in Sections 45 and 46 of this Act, the admission to the Philippines of any  
10 alien as a non-immigrant shall be for such time and under such conditions as may be  
11 prescribed by law or the regulations. The Commissioner may require the posting of a  
12 cash or surety bond in such sum and under such terms and conditions as he shall  
13 prescribe, to insure that at the expiration of such time or upon failure to maintain status  
14 under which an alien was admitted, or to maintain any status subsequently acquired,  
15 and such alien will depart from the Philippines.

16 *SEC. 48. Submission of Crew list and Passenger Manifest to the Immigration*  
17 *Officers.* - The master, agent, owner or consignee of any vessel arriving in or departing  
18 from the Philippines shall furnish the immigration officer at the port of arrival or port of  
19 departure crew lists and passenger manifests and such other information concerning  
20 the persons arriving or departing on the vessel required by regulations. The crew list of  
21 incoming vessels shall be duly visited by the appropriate Philippine consular official  
22 abroad.

23 *SEC. 49. Inspection of Crewmembers.* - It shall be the duty of the master agent,  
24 owner or consignee of any vessel arriving in the Philippines to have available on board,  
25 for inspection by the immigration officer, any alien crewmember employed on such  
26 vessel and to detain such crewmember on board after inspection and to remove such  
27 crewmember when required by the immigration authorities. No crewmember employed  
28 on board such vessel shall be paid off or discharged while the vessel is in port without  
29 the permission of the Commission.

1           SEC. 50. *Permission for temporary landing of alien crewmembers.* - An alien  
2 crewmember employed on a vessel arriving in the Philippines may be permitted to land  
3 temporarily under such conditions as shall be prescribed by the Commission. The  
4 expenses incurred while on land or awaiting repatriation, for medical treatment in a  
5 hospital or elsewhere, burial in the event of death, and for transfer to the vessel in the  
6 event of return of any crewmember shall be borne by the master, agent, owner or  
7 consignee of the carrying vessel.

8           SEC. 51. *Temporary Detention of Excludable Aliens.* - For the purpose of  
9 ascertaining whether an alien arriving in the Philippines belongs to any of the  
10 excludable classes of aliens provided in this Act or related laws, the immigration officer  
11 may temporarily hold for investigation such alien, either on board the vessel or at any  
12 place designated by the officer at the expense of the master, agent, owner or consignee  
13 of the carrying vessel.

14           SEC. 52. *Asylum Seekers, Grant of Refugee Status.* – Asylum seekers  
15 (refugees physically present in the Philippines) may apply for and be granted refugee  
16 status upon the discretion of the Commissioner or President and under such terms and  
17 conditions as he/she may prescribe. Asylum granted under this section may be  
18 terminated by the President at any time after determination by the appropriate agency  
19 that the alien is no longer a refugee within the meaning of Section 35(I) of this Act  
20 owing to a change in circumstances in the person's country of nationality or, in the case  
21 of a person having no nationality, in the country in which the person last habitually  
22 resided.

23           SEC. 53. *Effect of Grant of Refugee Status to Wife and Children.* – A spouse or  
24 minor child of a refugee who is granted asylum under the preceding section may, if not  
25 otherwise eligible for asylum under said section, be granted the same status as the  
26 refugee to assure family unity, or when it is in the public interest, if accompanying or  
27 following to join the refugee.

28                           **Chapter 5. – Documentation and Admission of Immigrants**



1 (b) A non-immigrant visa to an alien who has made proper application  
2 therefore, which shall specify the classification of the non-immigrant under Section 35 of  
3 this Act, the period during which the visa shall be valid, and such additional information  
4 as may be required.

5 SEC. 57. *Period for Validity of Visa.* – A non-immigrant or immigrant visa issued  
6 by a consular officer abroad shall be valid for a period not exceeding six (6) months. In  
7 prescribing the period of validity of a non-immigrant visa, the consular officer shall,  
8 insofar as practicable, accord to such nationals the same treatment upon a reciprocal  
9 basis as such foreign country accords to citizens of the Philippines who are within a  
10 similar class. An immigrant visa may be replaced under the original number during the  
11 calendar year in which the original visa was issued for an alien who establishes to the  
12 satisfaction of the consular officer that he was unable to use the original immigrant visa  
13 during the period of its validity because of reason beyond his control and for which he  
14 was not responsible: Provided, that the alien is found by the consular officer to be  
15 eligible for an immigrant visa and again pays the required fees for an application and an  
16 immigrant visa.

17 SEC. 58. *Requirements for Physical and or Mental Examination Prior to*  
18 *Issuance of Visa.* - Prior to the issuance of an immigrant visa to any alien, the consular  
19 officer shall require such person to submit to a physical and mental examination in  
20 accordance with such regulations as may be prescribed by the Secretary of Foreign  
21 Affairs. In the case of application for non-immigrant visa, the consular officer may prior  
22 to the issuance of such visa require the alien to submit to a physical or mental  
23 examination, or both.

24 SEC. 59. *Denial of Visa, Grounds Thereof.* – No visa or other documentation  
25 shall be issued to an alien in the following cases:

26 (a) If it appears to the consular officer, from the statements in the application,  
27 or in papers submitted therewith, that such person is ineligible to receive a visa or such  
28 other documentation under this Act;

1 (b) If the application fails to comply with the provisions of this Act, or the  
2 regulations issued thereunder; or

3 (c) The consular officer knows or has reason to believe that such person is  
4 ineligible to receive a visa or other documentation and is inadmissible into the  
5 Philippines under this Act.

6 SEC. 60. *Treatment of Immigrant Visa Upon Entry.* - An immigrant shall present  
7 or surrender his immigrant visa to the immigration officer at the port of entry, who shall  
8 endorse on the visa the date and the port of arrival, the identity of the vessel or aircraft  
9 on which the immigrant arrived, and such other endorsements as may be required by  
10 the regulations.

11 SEC. 61. *Treatment of Non-Immigrant Visa Upon Entry.* - A non-immigrant shall  
12 present or surrender to the immigration officer at the port of entry such documents as  
13 may be required by the regulations. In the case of an alien crewman not in possession  
14 of a seaman's book or crewman's pocket-ledger, or equivalent document other than a  
15 passport, such crewman may be admitted if his name appears in the duly visited crew  
16 list of the vessel on which he arrives, but the consular officer shall have the right to  
17 exclude any alien crewman for the list visa.

18 SEC. 62. *Nature of Visa Construed.* - Nothing in this Act shall be construed as  
19 to automatically entitle any alien to whom a visa or other documentation has been  
20 issued to enter Philippines if, upon arrival at a port of entry, he is found to be  
21 inadmissible under this Act or any other law.

22 SEC. 63. *Revocation of Visa by the Consular Office.* - If a visa or other  
23 documentation is revoked by the consular officer or the Secretary of Foreign Affairs,  
24 notice of such revocation shall be communicated to the Commissioner. Such  
25 revocation shall invalidate the visa or other documentation from the date of issuance:  
26 Provided, That the vessel or aircraft on which such alien arrived in the Philippines shall  
27 not be penalized for the action taken in reliance on such visa or other documentation,  
28 unless they receive due notice of such revocation prior to the alien's embarkation.



1 its validity: Provided, however, That the holder thereof shall pay the exit clearance fee  
2 and the head tax for every departure from the Philippines.

3 SEC. 67. *Treatment of Reentry Permits.* – Unless the reentry permit is valid for  
4 multiple entry, it shall be surrendered to the immigration officer at the port of entry, upon  
5 the return of the alien to the Philippines. An unused or expired permit shall be  
6 surrendered to the Commission within thirty (30) days after expiration of its validity.

### 7 **Chapter 8. - Exit Clearance Certificate**

8 SEC. 68. *Exit Certificate Clearance Requirements.* – Except in the case of  
9 temporary visitors and other non-immigrants whose stay have not exceeded fifty-nine  
10 (59) days, any alien departing from the Philippines shall apply to the Commissioner for  
11 clearance to depart.

12 The Commissioner any authorize the issuance of an exit clearance to an alien  
13 without need of fingerprinting and upon surrender of all immigration and registration  
14 documents previously issued to him showing his admission status in the Philippines in  
15 the following cases:

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

18 (b) There is no pending criminal, civil, or administrative proceeding which by  
19 law requires the alien's continued presence in the country; and

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

### 22 **Chapter 9. - Presidential Prerogatives**

23 SEC. 69. *Power of President of Entry of Foreign Nationals.* - Whenever the  
24 President finds that the entry of any foreign nationals or a class of foreign nationals  
25 would be detrimental to the interest of the Philippines, he/she may for such period as  
26 he/she shall deem necessary, suspend their entry and admission into the Philippine or  
27 impose such restrictions as he/she may deem appropriate.

28 SEC. 70. *Power of President Re: Immigration and Departure of Aliens* - Any  
29 provision of this Act notwithstanding, the President may:

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

#### 15 **Title IV**

### 16 **PROVISIONS RELATING TO ENTRY**

#### 17 **Chapter 1. - Procedures on Arrival**

18 **SEC. 71. *Inspection by Immigration Officer.*** – An alien seeking admission or  
19 readmission to the Philippines shall be subject to primary inspection at the port of arrival  
20 by immigration officers. The decision of the examining immigration officer, if favorable  
21 to the admission of any alien, may be challenged by another immigration officer. A  
22 Board of Special Inquiry shall determine the final determination of admissibility of such  
23 alien.

24 **SEC. 72. *Detention or Quarantine for Examination.*** - For the purpose of  
25 determining whether an alien arriving at ports in the Philippines belong to any of the  
26 classes excludable under this Act, by reason of being afflicted with any of the diseases  
27 or mental or physical defect or disabilities set forth in Section 77(A) of this Act or  
28 whenever the Commissioner has received information showing that aliens are coming to  
29 the Philippines from a country or have embarked at a place where any of such diseases

1 are prevalent or epidemic, the alien shall be detained or quarantined for a reasonable  
2 period of time to enable the immigration and medical officers to subject such person to  
3 observation and examination.

4 SEC. 73. *Medical Examination Requirement.* - The physical and mental  
5 examination of an arriving alien whom the examining immigration officer or special  
6 inquiry officer has observed and believes to belong under the class of excludable aliens  
7 specified in Section 77(A) of the same Act shall be made by a designated government  
8 medical officer who shall certify for the information of such officers any and all physical  
9 and/or mental defects, disorders, or diseases observed or found by him after an  
10 examination of the alien. If such medical officers are not available in the port of arrival,  
11 any reputable private physician may be hired and authorized by the Commissioner to  
12 examine the arriving alien, the necessary expenses therefore to be chargeable against  
13 the appropriations provided for the enforcement of this Act.

14 SEC. 74. *Arrival Notice Requirement of Aircraft.* - The immigration authorities  
15 shall be furnished with a timely notice of the arrival of any civil aircraft at or nearest such  
16 place of first landing before such aircraft comes into any area in the Philippines from  
17 any place outside thereof. If dependable facilities for giving such notice are not  
18 available before departure, any radio equipment in the aircraft shall be used if this will  
19 result in the giving of adequate and timely notice during its approach, otherwise, a  
20 landing shall be made at a place where necessary facilities exist before coming into any  
21 area in the Philippines. Such advance notice will not be required in the case of aircraft  
22 of scheduled airlines arriving in accordance with the regular schedule file with the  
23 immigration office in charge at the international airport of entry in which the place of first  
24 landing in the area is situated. If, upon landing in any area other than an international  
25 airport of entry, an immigration officer has not arrived, the captain of the aircraft shall  
26 keep the passengers and crew in a segregated place until the immigration officer  
27 arrives.

28 SEC. 75. *Contents of Notice of Arrival.* - The advance notice of arrival required  
29 in the preceding section shall specify the following:

- 1 (a) The type of aircraft and register marks;
- 2 (b) The name of captain of the aircraft;
- 3 (c) The place of last departure;
- 4 (d) The international airport of intended landing, or other place at which
- 5 landing has been authorized by Customs;
- 6 (e) The number of alien passengers and citizen passengers;
- 7 (f) The estimated time of arrival; and
- 8 (g) The authorized agent or representative at place of landing.

## 9 **Chapter 2. - Classification of Ports Of Entry**

10 SEC. 76. *Authority to Classify Ports.* - The Commissioner shall classify and  
11 designate, from among the ports of entry established by law for customs and  
12 immigration purposes, such unlimited or limited ports of entry through which aliens may  
13 enter the Philippines. Only such classes of aliens as provided under rules and  
14 regulations prescribed by the Commission may be allowed entry at limited ports of  
15 entry. The Commission shall also have the power to close ports of entry designated by  
16 it whenever advisable in the public interest after due notice to the public.

## 17 **Chapter 3. – Exclusions**

18 SEC. 77. *Exclusion Grounds.* - The following classes of foreign nationals are  
19 ineligible for entry and shall be excluded from admission into the Philippines.

### 20 A. Health Related Grounds

- 21 1. An alien who is determined in accordance with regulations  
22 prescribed by the Secretary of Health to have a communicable,  
23 loathsome, dangerous or incurable disease of public health  
24 significance;
- 25 2. An alien who is determined in accordance with regulations  
26 prescribed by the Secretary of Health:
  - 27 (a) To have a physical or mental disorder and behavior  
28 associated with the disorder that may pose, or has posed, a

1 threat to the property, safety and welfare of the person or  
2 others; or

3 (b) To have such disorder and associated behavior in the past  
4 and is likely to recur or to lead to other harmful behavior.

5 3. An alien who is determined in accordance with regulations  
6 prescribed by the Secretary of Health to be a drug abuser or drug  
7 addict;

8 4. An alien person or guardian who accompanies an inadmissible  
9 alien who is certified to be helpless due to infancy, sickness,  
10 physical or mental disability, and whose protection or guardianship  
11 is determined, a certified by a medical examining officer, to be  
12 required by the person.

13 B. Economic Grounds

14 1. An alien who in the opinion of the immigration official, is likely at  
15 any time to become a public charge, which is defined to be a  
16 person who by reason of poverty, insanity, disease or disability  
17 would become a charge upon the public, such as paupers,  
18 beggars and vagrants or person who might resort to crimes for  
19 their sustenance;

20 2. An alien who is seeking entry for the purpose of performing skilled  
21 or unskilled labor, unless the Secretary of Labor certifies that there  
22 are not enough workers who are able, willing, qualified and  
23 available to perform such labor and that the wages and working  
24 conditions of workers in the Philippines similarly employed will not  
25 be adversely affected.

26 C. Moral Grounds

27 1. An alien coming to the Philippines to practice polygamy or who  
28 advocates the practice of polygamy unless his religion allows such  
29 practices.

1           2.       Aliens who are pedophiles, sexual perverts or those coming to the  
2                   Philippines for immoral purposes.

3           3.       *Aliens whom at the time of primary inspection or inquiry by an*  
4                   immigration officer exhibit any obnoxious behavior, contempt or  
5                   disrespect for the said officer or any government official or  
6                   authority.

7       D.       Criminal and Security Grounds

8           1.       An alien who has been convicted of a crime of moral turpitude,  
9                   which refers generally to conduct which is inherently base, vile,  
10                  depraved and contrary to the accepted rules of morality and the  
11                  duties owed between persons or to society in general, or who  
12                  admits to an immigration official having committed such crime, or  
13                  who attempts and conspires to commit the crime.

14          2.       An alien who has been convicted, or who admits having  
15                  committed, or who admits committing acts which constitute the  
16                  essential elements of a violation or conspiracy to violate any law or  
17                  regulation of the Philippines or a foreign country relating to  
18                  controlled substances, regulated or prohibited drug, or who  
19                  attempts or conspires to commit the crime.

20          3.       An alien that the Philippine government knows or has reason to  
21                  believe is a trafficker in any controlled substance, regulated or  
22                  prohibited drug or knows or has reason to believe is or has been a  
23                  knowing assister, abettor, conspirator or colluder with others in the  
24                  illicit trafficking in any controlled substance, regulated or prohibited  
25                  drug.

26          4.       An alien who has been convicted of two or more offenses (other  
27                  than purely political, and whether or not it was a conviction in a  
28                  single trial or whether the conviction form a single scheme) if the

- 1 aggregate sentence of confinement actually imposed is five (5)  
2 years or more.
- 3 5. Alien prostitutes or persons who have engaged in or sought to  
4 engage in prostitution or to procure or attempts to procure  
5 prostitutes, even if prostitution is not illegal in his/her country, or  
6 who receives in whole or in part the proceeds of prostitution.
- 7 6. Diplomats and other aliens involved in serious criminal activity who  
8 assert and has been granted immunity from prosecution.
- 9 7. An alien coming to the Philippines to engage in any other unlawful  
10 commercialized vice, whether or not related to prostitution, drug,  
11 etc.
- 12 8. Aliens who are fugitives from justice of other countries.
- 13 9. An alien who, Philippine authorities know or have reasonable  
14 ground to believe, seeks to enter the Philippines to engage solely,  
15 principally or incidentally in:
- 16 (a) Espionage or sabotage, or a violation or evasion of any laws  
17 prohibiting export of goods, technology or sensitive  
18 information;
- 19 (b) Any activity aimed to promote membership in an  
20 organization of criminally syndicated activities, including  
21 aliens who are believed to be a members of organized crime  
22 syndicates;
- 23 (c) any activity, a purpose of which is the opposition, control or  
24 overthrow of the Philippine government by force, violence or  
25 other unlawful means; and
- 26 (d) Any other unlawful activity.
- 27 10. An alien is inadmissible if he:
- 28 (a) Is engaged in a terrorist activity, individually or as part of an  
29 organization;

- 1 (b) *Philippine authorities know or have reasonable grounds to*  
2 *believe is engaged in or likely to engage in such terrorist*  
3 *activity;*
- 4 (c) *Is under circumstances indicating an intention to cause*  
5 *death or serious bodily harm or incite terrorist activity;*
- 6 (d) *Is a representative of a foreign terrorist organization as*  
7 *identified by Philippine authorities;*
- 8 (e) *Is a member of a foreign terrorist organization as identified*  
9 *by Philippine authorities.*
- 10 "Terrorist activity" is defined as an act unlawful in a foreign  
11 country or would be unlawful in the Philippines and involves:
- 12 i) Hijacking or sabotage of any conveyance (aircraft,  
13 vessel, vehicle, etc.);
- 14 ii) The seizing or detaining or threatening to kill, injure or  
15 continue to detain another individual to compel a third  
16 person to carry on or abstain from an act as an  
17 explicit or implicit condition for release;
- 18 iii) A violent attack on an internationally protected  
19 person;
- 20 iv) An assassination;
- 21 v) The use of any biological or chemical agent or nuclear  
22 device or explosive or firearm with intent to endanger  
23 directly or indirectly the safety of one or more  
24 individuals or to cause substantial property damage;
- 25 vi) Sowing terror in order to impose on others an  
26 ideology, political/philosophical/religious belief and  
27 practice;
- 28 vii) Provide sanctuary or protection to known terrorist  
29 whether foreign or local;



1 beginning on the effectivity of this Act in the for one (1) year or  
2 more and again seeks admission is barred for five (5) years from  
3 the date of such person's departure or removal from the  
4 Philippines.

5 5. An alien who has been unlawfully present in the Philippines for an  
6 aggregate period of more than one (1) year or has been ordered  
7 removed under summary exclusion or removal provisions and who  
8 enters or attempts to enter without inspection is inadmissible.

9 6. An alien present in the Philippines without being admitted or who  
10 arrives at a place other than that designated by Philippine  
11 authorities.

12 7. *An alien who without cause fails or refuses to attend or remain in*  
13 *attendance at his removal proceeding is inadmissible for five (5)*  
14 *years from departure or removal.*

15 8. An alien who is a stowaway, which is defined as a person who  
16 obtains transportation without consent and through concealment.

17 9. An alien who at anytime knowingly encourages, induces assists,  
18 and abets or aids any other alien to try to enter the Philippines in  
19 violation of law.

20 10. An alien who is subject to a final order of deportation for falsely  
21 making or using fraudulent documents or using someone else's  
22 lawfully issued document.

23 11. An alien who is not properly documented for admission as maybe  
24 required under this Act.

25 12. An alien who falsely represents or has falsely represented that he is  
26 a Filipino citizen or a former Filipino citizen to obtain a benefit under  
27 any Philippine law.

28 13. *An intending immigrant not in possession of valid immigrant visa or*  
29 *other document needed for entry and a valid unexpired passport.*

1           14.     A non-immigrant not in possession of a valid passport for six (6)  
2                     months and non-immigrant visa or border crossing card.

3           SEC. 78. *Exclusion of Foreign Nationals.* - Any foreign national who may  
4 appear to the examining immigration officer to be excludable under the provisions of  
5 Section 77 shall be excluded. No further inquiry by a Special Inquiry Officer shall be  
6 conducted until after the matter is reported to the Commissioner together with any such  
7 written statement and accompanying information, if any, as the alien or his  
8 representative may submit in connection therewith and such an inquiry is directed by  
9 the Commissioner. If the Commissioner is satisfied that the alien is excludable on the  
10 grounds set forth under Section 77 D, on the basis of information of a confidential  
11 nature, the disclosure of which the Commissioner, after consultation with the concerned  
12 security agency of the government, concludes would be prejudicial to the national  
13 security or to public order, interest, and safety, he may order such alien to be excluded  
14 and removed without further inquiry. Other aliens who may not appear to the examining  
15 immigration officer to be clearly and without doubt entitled to be admitted or excluded  
16 may be temporarily detained for inquiry.

17           SEC. 79. *Procedures for Inquiry by Special Inquiry Officers.* - A Special Inquiry  
18 Officer making an inquiry shall conduct proceedings under this section, administer  
19 oaths, present and receive evidence, and interrogate, examine, and cross-examine the  
20 alien or witnesses. It shall have the authority in any case to determine, based only on  
21 the evidence produced at the inquiry, whether an arriving alien who has been detained  
22 shall be allowed admission into the Philippines or shall be removed. At such inquiry,  
23 which shall be kept in chambers separate and apart from the public, the alien may have  
24 one friend or relative present under such conditions as may be prescribed by the  
25 regulations. A complete official record of the proceedings and of all testimony and  
26 evidence produced at such inquiry shall be kept.

27           SEC. 80. *Appeal of Decision for Exclusion.* - A decision of the Special Inquiry  
28 Officer excluding an alien based on Section 77 D may be appealed to the  
29 Commissioner by the alien immediately after a decision has been made and on a form

1 prescribed therefore which he shall accomplish and sign, and after he has been advised  
2 of his right to take such appeal. An appeal by an alien shall operate to stay any final  
3 action with respect to the alien until the final decision of the Commissioner is made,  
4 which decision shall be immediately executory and shall not be given a motion to  
5 appeal. Except as provided in Section 78 such decision shall be rendered solely upon  
6 the evidence adduced before the Boards of Special Inquiry.

7       SEC. 81. *Appeals, When Not Allowed.* – If a government medical officer or  
8 authorized private physician has certified under Section 73 of this Act that an arriving  
9 alien has a disease, illness, a physical or mental disorder or behavior, or drug addiction  
10 which would make the alien excludable under the provisions of Section 77A, the  
11 decision of the Boards of Special Inquiry shall be based solely upon such certification.  
12 No alien shall have a right to appeal such a decision for exclusion.

13       SEC. 82. *Decision of Special Inquiry Officers; Appeals therefrom.* – Except as  
14 provided in Sections 80 and 81 of this Act, in every case where an alien is excluded  
15 from admission into the Philippines or any other law or treaty now existing or hereafter  
16 entered into, the decision of a Board of Special Inquiry shall be final unless reversed on  
17 appeal by the Board of Commissioners.

18       SEC. 83. *Burden of Proof in Exclusion Cases.* - An alien seeking admission  
19 into the Philippines may be required to testify under oath on matters relating to his  
20 admissibility. The burden of proof shall be upon such alien to establish that he is not  
21 subject to any of the grounds for exclusion provided in this Act.

22       SEC. 84. *Authority to Waive Grounds for Exclusion.* – The Commissioner may,  
23 for good and sufficient reasons, waive any of the grounds for exclusion under Section  
24 77, except paragraph D: Provided, That with respect to the ground for exclusion  
25 mentioned in paragraph E (1) & (2) of Section 77 above, the Commissioner shall not  
26 exercise his discretion in favor of aliens previously excluded or deported on the ground  
27 of having engaged in hoarding, black-marketing, profiteering, terrorism, or any act of  
28 economic sabotage.

29                   **Chapter 4. – Immediate Removal or Exclusion on Foreign Nationals**

1           SEC. 85. *Classes Subject of Immediate Removal and Cost thereof.* - Any  
2 foreign national (other than an alien crewman) arriving in the Philippines who fall under  
3 any of the classes set forth in Section 77 of this Act and is ordered excluded shall be  
4 immediately removed, in accommodations of the same class and to the country in which  
5 a foreign national boarded the vessel or aircraft on which he arrived, unless the  
6 Commissioner, in an individual case and in his discretion, determine the immediate  
7 removal is not practicable and proper. The cost of the maintenance including detention  
8 expenses and other expenses incident to the detention of such foreign national, shall be  
9 borne by the owner or operator of the vessel or aircraft on which he arrived: Provided  
10 however, that such cost expenses shall not be assessed against the owner or operator  
11 of the vessel or aircraft if:

12           (a) The foreign national was in possession of a valid unexpired immigrant  
13 visa, or

14           (b) The foreign national was in possession of a valid unexpired non-immigrant  
15 visa or other document authorizing such foreign national to apply for temporary  
16 admission to the Philippines, or an unexpired reentry permit issued in his name, and

17                   (1) Such application was made within one hundred twenty (120) days  
18                   from the date of issuance of visa and other document, or in the  
19                   case of foreign national in possession of reentry permit, within one  
20                   hundred twenty (120) days from the date on which the foreign  
21                   national was last examined and admitted to the Philippines, or

22                   (2) In the event the application was last made later than one hundred  
23                   twenty (120) days as stated in the preceding subparagraph, if the  
24                   owner or operator of such vessel or aircraft established to the  
25                   satisfaction of the Commissioner that the ground for exclusion  
26                   could not have been ascertained by the exercise of due diligence  
27                   prior to the foreign national's embarkation; or

28           (c) The foreign national excluded claimed Philippine citizenship and was in  
29 possession of a valid and unexpired Philippine passport issued in his name.

1           SEC. 86. *Country Where Removal is to be Directed.* - If the government of the  
2 country designated in the preceding section will not accept the foreign national into its  
3 territory, the foreign national's removal shall be directed by the Commissioner, in his/her  
4 discretion and without necessarily giving any priority or preference, either to:

- 5           (a) The country which the foreign national is a subject, citizen or national;
- 6           (b) The country in which he was born;
- 7           (c) The country in which he has a residence or last habitually resided;
- 8           (d) The country where he departed from or his last port of departure; or
- 9           (e) The country, which is willing to accept the foreign national into its territory,  
10           if removal to any of the foregoing country is impracticable, inadvisable, or  
11           impossible.

12           SEC. 87. *Obligation of Captain or Transport Operator.* - It shall be unlawful for  
13 any captain, person in charge, agent, owner, operator, or consignee of any vessel or  
14 aircraft:

15           (a) To refuse or receive any alien ordered excluded and removed under  
16 Section 86, back on board such vessel or aircraft or another vessel or aircraft owned or  
17 operated by the same interests;

18           (b) To fail to detain any foreign national on board any such vessel or aircraft  
19 at the port of arrival when required by this Act or when so ordered by an immigration  
20 officer, or to fail or refuse to deliver a foreign national for medical or other inspection and  
21 so ordered by such officer;

22           (c) To refuse or fail to remove any foreign national from the Philippines to the  
23 country to which his deportation has been directed; or

24           (d) To fail to pay the cost of the maintenance of any foreign national and other  
25 expenses incurred while being detained as required by Section 85 of this Act or such  
26 cost necessary or incident to his deportation as may be provided in subsequent sections  
27 of this Act.

28           SEC. 88. *Penalty for Non-compliance of Obligation.* - If it shall appear to the  
29 satisfaction of the Commissioner, that the captain, person in charge, agent, owner,

1 operator, or consignee of a vessel or aircraft, has violated any of the provisions of  
2 Section 87, supra, such violator shall pay to the Commission such fine as may be  
3 imposed in Title VII, Chapter 10 of this Act. No such vessel or aircraft shall be granted  
4 clearance from any port in the Philippines while any such fine is unpaid or while the  
5 question of liability to pay any such fine is being determined, nor any such fine paid be  
6 refundable; Provided, however, That clearance may be granted prior to the  
7 determination of such question upon deposit with the Commissioner a sum sufficient to  
8 cover such fine or a cash bond or undertaking approved by the Commissioner.

9       SEC. 89. *When Removal to be Effected.* – If the removal of an excluded foreign  
10 national is effected on a vessel or aircraft not owned or operated by the owner or  
11 operator of the vessel or aircraft on which the foreign national arrived in the Philippines,  
12 the transportation expense of the foreign national's removal may be paid from the  
13 appropriations for the enforcement of this Act to be recovered from the owner or  
14 operator of the vessel or aircraft on which the foreign national arrived.

15       SEC. 90. *When Removal May be Stayed.* - The Commissioner under such  
16 conditions as he/she may prescribe, may stay the removal of any foreign national if in  
17 his/her judgment, the testimony of such foreign national is vital and necessary on behalf  
18 of the government in the prosecution of offenders for violation of any of the provisions of  
19 this Act or other laws of the Philippines.

20       **Chapter 5. – Conditional Permit To Land and Discharge of Alien Crewmen**

21       SEC. 91. *Conditional Permit to Land; Period thereof.* - If an immigration officer  
22 finds upon examination that an alien crewman is a non-immigrant under Section 35 (d)  
23 of this Act and is otherwise admissible and has agreed to accept such permit, he may  
24 grant the crewman a conditional permit to land temporarily on a form prescribed by the  
25 regulations, subject to revocation in subsequent proceedings as provided in Section 92  
26 and for a period of time, in any event, not to exceed the following:

27       (a) The period of time during which the vessel on which he arrived remains in  
28 port, if the immigration officer is satisfied that the crewman intends to depart on the  
29 vessel on which he arrived, which period shall not exceed twenty-nine (29) days; or

1           (b) Twenty-nine (29) days, if the immigration officer is satisfied that the  
2 crewman intends to depart within the period for which he is temporarily permitted to  
3 land, on a vessel other than the one which he arrived.

4           SEC. 92. *Confiscations and Cancellation of Permit.* – An immigration officer  
5 may, if he determines that an alien is not a bona fide crewman, or does not intend to  
6 depart on the vessel which brought him, cancel and confiscate the conditional permit to  
7 land, take such alien into custody, and require the captain of the vessel on which the  
8 alien arrived to receive and detain him on board such vessel. Such alien shall be  
9 removed from the Philippines at the expense of the carrier, which brought him to the  
10 Philippines. Until such alien is so removed, any expense for his maintenance and  
11 detention shall be borne by such carrier including expenses for his medical treatment in  
12 a hospital or elsewhere, burial in the event of death, or for transfer to another vessel or  
13 aircraft in the event of return.

14           SEC. 93. *Liability for Overstaying Crewmen.* - Any alien crewmen who willfully  
15 remains in the Philippines in excess of the number of days allowed in the conditional  
16 permit issued to him shall be liable to such penalties prescribed in Section 192 of this  
17 Act. The owner, agent, or consignee of the vessel shall be solidarity liable for the  
18 payment of such fines.

19           SEC. 94. *Liability for Unauthorized Pay-off or Discharge Alien Crewmen.* - It  
20 shall be unlawful for any person, including the owner, agent, consignee, or captain or  
21 any vessel to payoff or discharge any alien crewman employed on board a vessel  
22 arriving in the Philippines and while it is in port, without first obtaining the permission of  
23 the Commissioner. If it shall appear to the satisfaction of the Commissioner that any  
24 alien crewman has been paid off or discharged in violation of the provisions of this  
25 section, such owner, agent, consignee, captain, or other person, shall pay the  
26 Commission such fine as may be prescribed in Title VII Chapter 10 of this Act. No  
27 vessel shall be granted clearance pending determination of the question of liability to  
28 the payment of such fine, if such fine is imposed, while it remains unpaid, except that  
29 clearance may be granted prior to the determination of such question upon deposit with

1 the Commission a sum sufficient to cover such fine or of a cash bond or undertaking  
2 with sufficient security to secure the payment thereof. No such fine shall be remitted or  
3 refunded but such fine may, at the discretion of the Commissioner be mitigated, upon  
4 such terms, as he considers proper.

5         SEC. 95. *Duty to Report Desertion or Illegal Landing of Alien Crewmen.* - It  
6 shall be the duty of any owner, agent, consignee, or captain of any vessel or aircraft to  
7 report to an immigration officer, in writing, as soon as discovered, all cases in which an  
8 alien crewman has deserted or illegally landed in the Philippines from the vessel or  
9 aircraft, together with a description of such alien and any information likely to lead to his  
10 apprehension.

11         SEC. 96. *Requirement for Submission of List of Newly Employed Crewmen,  
12 Those Discharged and Those Who Have Illegally Landed.* - Before the departure of any  
13 vessel or aircraft from any or the last port in the Philippines destined to any place outside  
14 thereof, it shall be the duty of the owner, agent, consignee, or captain thereof, to deliver  
15 to the immigration authorities at that port a list containing the name or names of any  
16 alien crewman who was not employed thereon at the time of arrival at that port but who  
17 will leave such port on such vessel or aircraft at the time of its departure, and the names  
18 of those, if any, who have been paid off or discharged, and those, if any, who have  
19 deserted or illegally landed at that port. The Commissioner may, as he deems  
20 necessary, require such a list to contain such additional or supplemental information.

21         SEC. 97. *Liability for Failure to Submit Complete, True and Correct Report.* - In  
22 case any owner, agent, consignee, or captain shall fail to deliver complete, true, and  
23 correct lists or report of aliens, or to report cases of desertion or illegal landing, as  
24 required by Sections 95 and 96 of this Act, such owner, agent, consignee, or captain  
25 shall, if required by the Commissioner, pay to the Commission such sum as may be  
26 prescribed in Title VII, Chapter 10 hereof. No such vessel or aircraft shall be granted  
27 clearance from any port at which it arrived and/or departed pending determination of the  
28 question of the liability to the payment of such fine, if such fine is imposed, while it  
29 remains unpaid. No such fine shall be remitted or refunded, except that clearance may

1 be granted prior to determination of such question upon deposit with the Commission a  
2 sum sufficient to cover such fine or a cash bond or undertaking with sufficient security to  
3 secure the payment thereof.

## 4 TITLE V

### 5 DEPORTATION OF ALIENS

#### 6 Chapter 1. – Deportable Foreign Nationals

7 SEC. 98. *Classes of Deportable Aliens.* - The following aliens shall be arrested  
8 upon the warrant of the Commission and deported after hearing and resolution  
9 submitted by the Board of Special Inquiry and approved by the Board of  
10 Commissioners:

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

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

16 (c) Those who have been convicted in the Philippines for a crime involving  
17 moral turpitude;

18 (d) Those who have been convicted for violations of any law governing  
19 prohibited and/or regulated drugs;

20 (e) Those who practice prostitution or are inmates of a house of prostitution or  
21 are connected with the management of a house of prostitution or are connected with the  
22 management of a house of prostitution, or are procurers, pedophiles, or sexual  
23 deviants;

24 (f) Those who, at any time after the date of entry, have become a public  
25 charge;

26 (g) Those who remain in the Philippines in violation of any period of limitation  
27 or condition, under which they were admitted;

28 (h) Those who believe in, advise, advocate or teach the overthrow by force  
29 and violence of the government of the Republic of the Philippines, or duly constituted

1 authority, or who do not believe in or are opposed to organized government, or those  
2 who advise, advocate, or teach the assault or assassination of public officials because  
3 of their office, or who advise, advocate, or teach the unlawful destruction of property, or  
4 who are members of or affiliated with any organization entertaining, advocating or  
5 teaching such doctrines or who in any manner whatsoever lend assistance, financial or  
6 otherwise, to the dissemination of such doctrines;

7 (i) Those who at any time after entry engages in terrorist activity; as used  
8 herein, the term "engages in terrorist activity" means to commit, in an individual capacity  
9 or as a member of an organization, an act of terrorist activity or an act which an alien  
10 knows, or reasonably should know, affords material support to any individual,  
11 organization, or government in conducting a terrorist activity at any time, including the  
12 soliciting of funds or other things of value for terrorist activity or for any terrorist  
13 organization, and safekeeping of any terrorist assets, properties and propaganda  
14 materials;

15 (j) Those who commit any of the acts penalized under this Act, independent  
16 of any criminal action which may be brought against them: Provided, however, That in  
17 the case of an alien who for any reason is convicted and sentenced to suffer both  
18 imprisonment and deportation, said alien shall first serve the entire period of his  
19 imprisonment before his deportation: Provided, further, That the imprisonment may be  
20 waived by the Commissioner with the consent of the President, and upon payment by  
21 the alien concerned of such costs, fine and/or damages suffered by the government of  
22 any aggrieved party as the Commissioner may fix with the approval of the President;

23 (k) Those who at any time after entry is convicted under any law of  
24 purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying  
25 in violation of any law or regulation, any weapon, part or accessory, which is a firearm,  
26 explosive, or destructive device;

27 (l) Those who engage in profiteering, hoarding, black-marketing, dollar  
28 salting, technical smuggling, gunrunning, illegal recruitment, other acts of economic

1 sabotage, and other illegal acts independent of any criminal action which may be  
2 brought against them;

3 (m) Those who are guilty of any offense penalized under the naturalization  
4 laws of the Philippines or any law relating to the acquisition of Philippine citizenship;

5 (n) Those who defraud their creditors by absconding or alienating properties  
6 to prevent their attachment or execution;

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

10 (p) Those convicted of unfair labor practice and violation of other labor laws,  
11 illegal possession of firearms, tax evasion, or crimes against national security and public  
12 order;

13 (q) Those who, upon prior investigation and hearing, are found to be  
14 notoriously undesirable and whose further stay in the Philippines will be inimical to  
15 public welfare and interest, or the dignity of the Filipinos, or the Republic of the  
16 Philippines as a sovereign nation;

17 (r) Those who knowingly forge, counterfeit, alter, or falsely make any  
18 document; or use, attempt to use, possess, obtain, accept, or receive or provide any  
19 forged, counterfeit, altered, or falsely made document; or use or attempt to use or  
20 provide or attempt to provide other than the possessor (including a deceased  
21 individual); or accept or receive or provide any document lawfully issued to a person  
22 other than the possessor (including a deceased individual) for the purpose of satisfying  
23 or complying with the requirements for the employment of aliens in the Philippines;

24 (s) Those who are pedophiles or pedophiliac, or sexual perverts; and

25 (t) Those whose presence or activities in the Philippines the Secretary of  
26 Foreign Affairs has reasonable ground to believe would have potentially serious  
27 adverse foreign policy consequences for the Philippines.

28 SEC. 99. *Rules on Prescription in Deportation Cases.* – The right of the State to  
29 initiate at any time deportation proceedings for causes mentioned in paragraphs (a), (b),

1 (c), (d), (e), (f), (g), (h), (i), (j), (o), (p), and (s) of Section 98 of this Act, shall be  
2 imprescriptable: Provided, however, That no deportation proceedings may be initiated  
3 under any other paragraphs of the aforesaid Section 98 unless the apprehension in the  
4 deportation proceedings is made within (5) years after the cause for deportation arises.  
5 Deportation for causes mentioned in paragraphs (b), (c), (e), (i), (k), (n), (q), (s) and (t)  
6 of Section 98 shall not be effective if the court or judge thereof, when sentencing the  
7 alien, shall recommend that the alien not be deported.

## 8 **Chapter 2. – Detention and Deportation of Foreign Nationals**

9 SEC. 100. *Issuance of Summons and Warrants of Detention* - If it appears to  
10 the Commissioner that there is reasonable ground for inquiry as to whether an alien  
11 ought to be deported under Section 98 of this Act, the Commissioner may issue a  
12 summons to the alien, inviting him to appear in person before the investigating officer at  
13 the time, date, and place stated in the summons; Provided, however, That if it is shown  
14 to the Commissioner that there are strong and convincing grounds for such inquiry, the  
15 alien should be taken into immediate custody for the purpose of such inquiry. During  
16 such inquiry, the alien may, upon a warrant of detention issued by the Commissioner,  
17 be apprehended and detained for a period of not more than forty-eight (48) hours after  
18 the apprehension, which may be extended for another forty-eight (48) hours by the  
19 Commissioner if the circumstances warrants such extension. No alien shall be detained  
20 for purposes of inquiry for more than four (4) days unless a formal charge for  
21 deportation shall have been filed against him, except in cases where the alien is  
22 deportable under paragraph (d), (h), (i), or (t) of Section 98 of this Act.

23 SEC. 101. *Authority to Issue Warrants of Detention.* – The Commissioner may  
24 issue a warrant of detention if he determines that a prima facie case exists for the filing  
25 of deportation charges against an alien for violation of the immigration, alien registration  
26 and related laws or there is a strong probability that a deportable alien may flee from his  
27 place of abode and go into hiding or surreptitiously leave the country.

28 SEC. 102. *Formal Charge of Deportation.* - A formal charge for deportation  
29 against an alien shall be based on substantial evidence establishing that the person

1 against whom a warrant of detention has been issued is an alien and deportable under  
2 Section 98 of this Act. After a formal charge of deportation is file and pending final  
3 determination of deportability, any such alien shall, at the discretion of the  
4 Commissioner: (a) remain under detention; or (b) be released conditionally under bail  
5 and/or recognizance: Provided, however, That any such bond or recognizance may be  
6 revoked at any time by the Commissioner if it appears that there is strong evidence  
7 against the alien or there is strong probability of his escaping or evading the  
8 proceedings, in which case, the alien may returned into custody and detained under the  
9 same warrant of detention which initiated the proceedings until final determination of his  
10 deportability.

11 SEC. 103. *Detention of Alien Convicted of a Felony or an Offense.* - In the case  
12 of an alien convicted of an offense or a felony, which is a ground for deportation under  
13 this Act, said alien shall not be deported until his imprisonment is terminated by service  
14 of sentence or release from confinement. Parole, probation or possibility of re-arrest or  
15 further confinement in respect to the same offense shall not be a ground for deferral of  
16 deportation. Upon release from confinement, the Commissioner shall take into custody  
17 and place under detention said alien, after giving notice to the court or agency  
18 concerned. Such alien shall remain under detention, either before or after  
19 determination of deportability, and may be released by the Commissioner at  
20 Commissioner's discretion, and under such terms and conditions prescribed by him/her,  
21 if the alien demonstrates to the satisfaction of the Commissioner that he/she is not a  
22 threat to the community and that he/she is likely to appear before any scheduled  
23 hearings.

### 24 **Chapter 3. – Deportation Procedures**

25 SEC. 104. *Proceedings in Deportation Cases.* - The Board of Special Inquiry  
26 shall conduct proceedings to determine the deportability of any alien and shall  
27 administer oaths, present and receive evidence, interrogate, examine and cross-  
28 examine the alien and witnesses. Any alien charged with deportation shall at all times  
29 be accorded due process. He shall be given notice and informed of the specific charge

1 or charges against him and of the time, date, and place at which the proceedings shall  
2 be held. He shall have the privilege of being represented and assisted by such counsel  
3 of his choice, and shall have a reasonable opportunity to examine the evidence against  
4 him, to adduce and present evidence on his own behalf, and to confront and cross-  
5 examine witnesses presented by the government: Provided, however, That summary  
6 deportation proceedings shall be taken in the case of undocumented aliens or those  
7 who are holders of expired passports, travel documents and visas.

8       SEC. 105. *Attendance of the Alien in Deportation Proceedings.* - Determination  
9 of deportability in any case shall be made only upon a record made in a proceeding  
10 before a Board of Special Inquiry at which the alien shall have reasonable opportunity to  
11 be present, unless by reason of the alien's mental incompetence it is unpractical for him  
12 to be present, in which case the Board of Special Inquiry shall prescribe necessary and  
13 proper safeguards for the rights and privileges of such alien. If any alien has been  
14 given a reasonable opportunity to be present and without reasonable cause fails or  
15 refuses to attend or remain in attendance at such proceedings, the Board of Special  
16 Inquiry may proceed to a determination in like manner as if the alien were present.

17       SEC. 106. *Assignment of Special Prosecutors in Deportation Cases.* - The  
18 Commissioner shall assign a special prosecutor to present the evidence of the  
19 government if the alien charged denies the factual allegations of his deportability, or  
20 issues of law or fact remains unsolved. At any time during the hearing, the special  
21 prosecutor may file additional charges of deportation.

22       SEC. 107. *Burden of Proof in Deportation Cases.* - In cases where the charge  
23 for deportation is based on paragraph (a) of Section 98 of this Act, the burden of proof  
24 shall be upon the alien to establish that he entered and was admitted into the  
25 Philippines lawfully, the time, place and manner of such entry and admission. For this  
26 purpose, he shall be entitled to the statement of the facts in connection with his arrival  
27 as shown by official records in the custody of the Commissioner.

28       SEC. 108. *Rules of Procedure Before the Board of Special Inquiry.* -  
29 Proceedings before a Board of Special Inquiry in deportation cases shall be in

1 accordance with such rules of procedure, as the Commissioner shall prescribe. These  
2 rules shall be the sole and exclusive procedure for determining the deportability of an  
3 alien under this Act.

4 SEC. 109. *Voluntary, When Authorized.* - At the discretion of the  
5 Commissioner, deportation proceedings, including the issuance of warrant of detention  
6 and a finding of deportability, need not be required in the case of a deportable alien who  
7 elects not to contest the charge against him and chooses to voluntarily depart at his  
8 own expense without being deported, if his departure without proceedings would be in  
9 the best interest of the Philippines: Provided, That any alien so authorized to depart  
10 voluntarily shall be barred from entering the country unless with prior written  
11 authorization from the Commissioner. Voluntarily departure shall not be authorized in  
12 cases where the Commissioner believes such alien is deportable under paragraphs (d),  
13 (h), (j), (k), and (t) of Section 98 of this Act.

14 SEC. 110. *Findings of the Board of Special Inquiry in Deportation Cases.* - The  
15 Boards of Special Inquiry conducting the hearing in a deportation case shall submit its  
16 findings and recommendations to the Board of Commissioners. In cases where an alien  
17 elects not to contest the charge against him and chooses to voluntarily depart from the  
18 Philippines at his own expense, or when an alien admits during the pleadings to the  
19 factual allegations and his deportability, the Board of Special Inquiry shall likewise  
20 inform the Board of Commissioners in its report.

21 **Chapter 4. – Decision of Board of Commissioners on**  
22 **Deportation Cases**

23 SEC. 111. *Transmittal of the Records to the Board of Commissioners.* - At the  
24 conclusion of the deportation hearing, the complete records of the proceedings together  
25 with the findings and recommendations of the Boards of Special Inquiry shall be  
26 forwarded to the Board of Commissioners for final decision.

27 SEC. 112. *Petition for New Hearing, Grounds Therefor.* - At any time before the  
28 alien is deported, but not later than one (1) month from the date he receives the notice  
29 and copy of the decision of the Board, the alien or his counsel may file a petition for

1 rehearing but only on the ground of newly discovered evidence. The petition shall state  
2 the reason or reasons why such evidence was not produced during the proceedings. If  
3 such evidence is material and not merely cumulative would probably warrant a reversal  
4 of the decision, the board may remand the case to the Boards of Special Inquiry for  
5 rehearing. The filing of the petition for rehearing and the granting thereof shall have the  
6 effect of staying the order or warrant of deportation issued. No more than one petition  
7 for rehearing and no motion for reconsideration of the decision of the Board shall be  
8 entertained.

### 9 **Chapter 5. - Order of Deportation and Cost**

10 SEC. 113. *Contents of an Order or Warrant of Deportation.* - The order or  
11 warrant of deportation shall be in the prescribed form and shall state the following:

- 12 (a) The grounds for deportation;
- 13 (b) The specific place to where the alien shall be deported; and
- 14 (c) A directive commanding any officer of the Commission to carry out the  
15 deportation immediately, or within such period of time as the Commissioner may direct.

16 SEC. 114. *Period to Effect Deportation.* - When a final order of deportation is  
17 made against any alien, the Commissioner shall have a period of three (3) months from  
18 the date of such order within which to affect the alien's departure from the Philippines.  
19 During said period, at the Commissioner's discretion, the alien may remain under  
20 detention or be released under cash bond in an amount and under such conditions as  
21 the Commissioner may prescribe. If deportation is not been practicable, advisable, or  
22 possible, or the order of deportation has not been effected within such three-month  
23 period, the alien shall be subject to such further supervision and detention pending  
24 eventual deportation as provided in Section 103. For the purpose of this Section, an  
25 order of deportation heretofore or hereafter entered against an alien in detention or  
26 confinement shall be considered as being made as of the moment he is released from  
27 such detention or confinement, and not prior thereto.

28 SEC. 115. *Suspension of Order of Deportation; Justification.* - The  
29 Commissioner may upon application of an alien and payment of appropriate fees, for

1 good cause and under such conditions as he may prescribe, suspend the order of  
2 deportation of an alien and order his release. In determining whether good cause has  
3 been shown to justify releasing the alien, the Commissioner shall take into account the  
4 following factors:

5 (a) The age, health, and period of detention of the alien;

6 (b) The effect of the alien's release on the national security and public peace  
7 or safety;

8 (c) The likelihood of the alien resuming or following a course of conduct which  
9 make or would make him deportable;

10 (d) The character of the efforts made by such alien himself and by  
11 representatives of the country to which his deportation is directed to expedite the alien's  
12 departure from the Philippines; and

13 (e) The reason for the inability of the government to secure passports or other  
14 travel documents.

15 SEC. 116. *Reinstatement of the Order of Deportation.* - Should the  
16 Commissioner find that an alien has unlawfully entered the Philippines after having  
17 previously departed voluntarily or been deported pursuant to an order of deportation on  
18 any ground described in any of the paragraphs enumerated in Section 98 of this Act, the  
19 previous order of deportation shall be deemed reinstated from its original date and such  
20 alien shall be summarily deported at any time subsequent to such reentry. For the  
21 purpose of this section, the date at which a finding is made that such reinstatement is  
22 appropriate shall be deemed the date of the final order of deportation.

23 SEC. 117. *Country Where Deportation is to be Directed.* - The deportation of an  
24 alien provided for in this Act or any other act or treaty, shall be directed by the  
25 Commissioner to a country designated by the alien if that country is willing to accept him  
26 into its territory. If the government of such country fails to advise the Commissioner or  
27 the alien within thirty (30) days following the date or original inquiry whether that  
28 government will or will not accept such alien, then such deportation, either to the  
29 country from which such alien embarked for the Philippines, to the country in which the

1 foreign national was born, the country of his nationality or citizenship or to any country  
2 in which he resided prior to coming to the Philippines.

3 If deportation to any of the foregoing places or countries is impracticable,  
4 inadvisable, or impossible, then the alien shall be deported to any country, which is  
5 willing to accept him into its territory.

6 SEC. 118. *Cost of Deportation.* - If deportation proceedings are instituted at any  
7 time within five (95) years after the entry of the alien for causes existing prior to or at the  
8 time of entry, the cost of the removal to the country of deportation shall be at the  
9 expense of the vessel or aircraft by which such alien came into the Philippines:  
10 Provided, That the costs for the deportation of any such person shall not be assessed  
11 against the owner or owners of the vessel or aircraft in the case of any alien who arrived  
12 in possession of a valid unexpired immigrant visa and who was admitted to the  
13 Philippines for permanent residence. In the case of an alien crewman, if deportation  
14 proceedings are instituted at any time within five (5) years after the granting of the last  
15 conditional permit to land temporarily under the provisions of Section 91 of this Act, the  
16 cost of removal to the country of deportation shall be at the expense of the owner or  
17 owners of the vessel or aircraft by which such, alien came into the Philippines, or if in  
18 the opinion of the Commissioner that it is not practicable, at the expense of the  
19 appropriations for the enforcement of this Act. In either of these cases, if deportation  
20 proceedings are instituted later than five (5) years after the entry of the alien or granting  
21 of the last conditional permit to land temporarily, the cost thereof shall be payable from  
22 the appropriations for the enforcement of this Act.

23 SEC. 119. *Liability of Transport Operators.* - Failure or refusal on the part of the  
24 captain, or the agent, owner, or consignee of a vessel or aircraft, or other carrier to  
25 comply with the order of the Commissioner to take on board, guard safely, and transport  
26 to the destination specified any alien order to be deported, or any failure or refusal by  
27 any such person to comply with an order of the Commissioner to pay deportation  
28 expenses in accordance with the requirements of Section 119, supra, shall be punished

1 by the imposition of a penalty in the sum and manner prescribed in Title VII, Chapter 10  
2 of this Act.

3 SEC. 120. *Expenses of the Accompanying Person.* - When, in the opinion of  
4 the Commissioner, the mental or physical condition of an alien being deported is such  
5 as to require personal care and attendance, the Commissioner may employ a suitable  
6 person for that purpose of accompanying such alien to his final destination. The  
7 expense incident to such service shall be defrayed in the same manner as the expense  
8 of deporting the accompanied alien is defrayed, and any failure or refusal to defray such  
9 expenses shall be punished in the manner prescribed in this Act.

10 SEC. 121. *Existence of Danger in Country Where Alien is to be Deported.* - The  
11 Commissioner shall not deport or return any alien to a country if the Commissioner  
12 determines that such alien's life or freedom would be threatened in such country on  
13 account of race, religion, nationality, political opinion, or membership in a particular  
14 social group: Provided, however, That his provision shall not apply to any alien if the  
15 Commissioner determines the following:

16 (a) The person ordered, incited, assisted, or otherwise participated in the  
17 persecution of any person on account of race, religion, nationality, political opinion, or  
18 membership in a particular social group;

19 (b) The person having been convicted of a felony, constitutes a danger to the  
20 community of the Philippines;

21 (c) There are serious reasons for considering that the person has committed  
22 a serious non-political crime outside the Philippines prior to his arrival in the  
23 Philippines; or

24 (d) There are reasonable grounds for regarding the person an undesirable  
25 alien and/or a danger to the security of the Philippines.

26 **Chapter 6. - Indigent Aliens**

27 SEC. 122. *Removal of Indigent Aliens.* - The Commission shall have the  
28 authority to remove such aliens as may fall into distress or need public aid from causes  
29 arising subsequent to their entry and are desirous of being so removed, to the country

1 from where they came, or to the country of which they are citizens or subjects, at any  
2 time after entry, at the expenses chargeable to any appropriation available. Any person  
3 thus removed shall forever be ineligible for readmission, except upon the authorization  
4 of the Commissioner obtained previous to embarkation for the Philippines.

## 5 TITLE VI

### 6 CITIZENSHIP AND NATURALIZATION

#### 7 Chapter 1. - Citizens of the Philippines

8 SEC. 123. *Who are citizens of the Philippines.* - The following are citizens of the  
9 Philippines:

10 (a) Those who are citizens of the Philippines at the time of the adoption of the  
11 Constitution of the Philippines;

12 (b) Those whose fathers or mothers are citizens of the Philippines;

13 (c) Those born before January 17, 1973, of Filipino mothers, who elect  
14 Philippine citizenship upon reaching the age of majority; and

15 (d) Those who are naturalized in accordance with law.

16 SEC. 124. *Natural Born, Defined.* – Natural-born citizens are those who are  
17 citizens from birth without having to perform any act to acquire or perfect their Philippine  
18 citizenship. Those who elect Philippine citizenship by virtue of Paragraph (c) of the  
19 preceding section shall be deemed natural-born citizens.

20 SEC. 125. – *Requirements and Period of Elect Philippine Citizenship.* - The  
21 option to elect Philippine citizenship shall be exercised within the lifetime of the  
22 applicant and expressed in a statement to be signed and sworn to by the person  
23 concerned before any person authorized administer oaths, and shall be filed with the  
24 Commissioner accompanied with the oath of allegiance of the person to the constitution  
25 and the Government of the Republic of the Philippines. If the person concerned is  
26 absent from the Philippines, he may make the statement and the oath of allegiance  
27 herein required before a consular officer of the Philippines nearest his place of  
28 residence in the foreign country where he is residing. The consular officer shall forward

1 to the Commissioner the statement and oath of allegiance within fifteen (15) days from  
2 receipt and proper determination thereof.

3 SEC. 126. *Recognition as Filipino.* - A person whose father or mother is a  
4 Filipino citizen but has been granted citizenship by another country may file within his  
5 lifetime a petition for recognition as a Filipino citizen. His recognition will not cause the  
6 loss of his citizenship to the other country.

7 SEC. 127. *Administrative Determination of Citizenship.* - The Commissioner  
8 shall make a determination upon recommendation of an immigration hearing officer  
9 whether the person concerned is qualified to elect or be recognized as a citizen of the  
10 Philippines and, if determined to be so, shall issue to the person concerned a certificate  
11 of identify of Philippine citizenship to be signed by the Commissioner or his authorized  
12 representative. *Within fifteen (15) days after the election or recognition for Philippine*  
13 *citizenship is perfected, the Commissioner shall furnish a copy of the statement and*  
14 *oath of allegiance, together with a certification that a certificate of identity has been*  
15 *issued, to the local civil registrar of the place where the person was born, for*  
16 *registration, or of foreign-born, of the place where the person has his domicile.*

## 17 **Chapter 2. - Loss of Philippine Citizenship**

18 SEC. 128. *Philippine Citizenship, How Lost.* - A citizen of the Philippines may  
19 lose his citizenship in any of the following ways and/or events:

20 (a) By obtaining naturalization in a foreign country upon his own application or  
21 upon an application filed by a duly authorized representative, after having attained the  
22 age of eighteen (18) years;

23 (b) By taking an oath or making an affirmation or other formal declaration of  
24 allegiance to a foreign state or a political subdivision thereof, after having attained the  
25 age of eighteen: Provided, however, that no person may divest himself of Philippine  
26 citizenship in any manner while the Philippines is at war with any country:

27 (c) By renunciation of Philippine citizenship, express or implied;

28 (d) By entering, or serving, the armed forces of a foreign state if (1) such  
29 armed forces are engaged in hostilities against the Philippines, or (2) such person serve

1 as a commissioned or non-commissioned officer in such armed forces, except when  
2 done with the consent of the Republic of the Philippines;

3 (e) By accepting, serving in, or performing the duties of any office, post or  
4 employment under the government of a foreign state or a political subdivision thereof,  
5 after attaining the age of eighteen (18) years if he has or acquires the nationality of such  
6 foreign state or for which office, post, or employment an oath, affirmation, or declaration  
7 of allegiance is required;

8 (f) By cancellation of his certificate of naturalization;

9 (g) By having been declared by competent authority a deserter of the Armed  
10 Forces of the Philippines in time of war, unless subsequently granted a plenary pardon  
11 or amnesty; or

12 (h) By committing any act of treason against, or attempting by force to  
13 overthrow, or bearing arms against, the Government of the Republic of the Philippines.

14 SEC. 129. *Loss of Citizenship, Burden of Proof.* - Whenever the loss of  
15 Philippine citizenship is put in issue in any action or proceeding, the burden of proof  
16 shall be upon the person or party claiming, that such loss occurrence, to establish such  
17 claim by a preponderance of the evidence. Any person who commits or performs or  
18 who has committed or performed, any act of expatriation under the provisions of this Act  
19 or any other law shall be presumed to have done so voluntarily, but such presumption  
20 may be rebutted upon a showing by a preponderance of the evidence, that the act or  
21 acts committed or performed were not done voluntarily.

22 SEC. 130. *Renunciation of Citizenship.* - Except as provided in paragraphs (c)  
23 and (h) of Section 158, the grant of foreign citizenship to a Filipino by reason of  
24 marriage, residence, or naturalization shall not operate to divest a Filipino of his/her  
25 citizenship unless he/she renounces Philippine citizenship and subscribes to an oath of  
26 allegiance to the foreign country.

27 SEC. 131. *Expatriation, When Not Recognized.* - A Philippine citizen who  
28 asserts his claim to Philippine citizenship in such manner as the Commissioner shall by  
29 regulations prescribe, shall not be deemed to have expatriated himself by the

1 commission, prior to his having attained the age of eighteen (18), of any acts specified  
2 in paragraphs (d) and (e) of section 158 of this Act.

### 3 **Chapter 3 - Reacquisition of Philippine Citizenship**

4 SEC. 132. *Citizenship, How Reacquired.* - A person who losses Philippine  
5 citizenship in any of the ways and/or means enumerated under Section 128 of this Act  
6 may reacquire his Philippine citizenship through the following means:

7 (a) By naturalization: *Provided, that the applicant possesses none of the*  
8 *disqualification for naturalization under Section 136 of this Act;*

9 (b) By repatriation of deserters of the Armed Forces of the Philippines; or

10 (c) By direct act of the Congress of the Philippines.

11 SEC. 133. *Administrative Naturalization, When Applicable.* - The provisions for  
12 administrative naturalization under this Act and the regulations issued pursuant thereto  
13 shall be made applicable to any petition filed for the reacquisition of Philippine  
14 citizenship under paragraph (a) of the preceding Section. In all other cases, repatriation  
15 shall be effected by taking the required oath of allegiance to the Republic of the  
16 Philippines before the Commissioner or any officer authorized by him.

### 17 **Chapter 4. - Naturalization of Native-Born and Non-Native-Born**

18 SEC. 134. *Persons eligible for Administrative Naturalization.* - The provisions  
19 of Commonwealth Act No. 473, as amended by Republic Act No. 9139, otherwise  
20 known as the "The Administrative Naturalization Law of 2000", and all other laws to the  
21 contrary notwithstanding, any foreign national who was born in the Philippines or not  
22 born in the Philippines but a permanent resident may apply for Philippine citizenship  
23 through administrative process, by filing with the Commission a petition for  
24 naturalization under this Act.

25 SEC. 135. *Qualifications for Naturalization.* - Native-born foreign nationals and  
26 those foreign nationals not native born but who have acquired permanent resident  
27 status in the Philippines under Philippine Immigration Laws having the following  
28 qualifications may become a citizen of the Philippines by naturalization:

1 (a) He must not be less than eighteen (18) years of age on the date of filing of  
2 the petition;

3 (b) He must have resided continuously in the Philippines for a period of not  
4 less than seven (7) years prior to the filing of the petition;

5 (c) He must be a good moral character, and believes in the principles  
6 underlying the Philippine Constitution:

7 (d) He must have conducted himself in a proper and irreproachable manner  
8 during the entire period of his residence in the Philippines;

9 (e) He must have some known business, trade, profession, or lawful  
10 occupation from which he derives income sufficient for his support and that of his  
11 spouse or children, if any; Provided, that this requirement may be waived with respect to  
12 bona fide students at least eighteen (18) years of age, who on the basis of their  
13 qualifications and potentials, and their parents, resources, can become useful citizens of  
14 the Philippines;

15 (f) He must be able to speak and write English and any one of the principal  
16 Philippine dialects;

17 (g) He must have given primary and secondary education to all his children  
18 of school age, if any, in the public schools or recognized private schools where  
19 Philippine history, government, and civics are taught or prescribed as part of the  
20 school curriculum, and not limited to any nationality, race, during the entire period of  
21 his residence in the Philippines required of him prior to the filing of his petition for  
22 naturalization; and

23 (h) He must have commingled socially with Filipinos.

24 SEC. 136. *Persons Disqualified to be Citizens by Naturalization.* - The  
25 following persons cannot be naturalized as Philippine citizens:

26 (a) Persons opposed to organized government or affiliated with any  
27 association or group of person who uphold and teach doctrines opposing all organized  
28 government;

1 (b) Persons defending or teaching the necessity or propriety or violence,  
2 personal assaults, or assassination for the success and predominance of their ideas;

3 (c) Polygamists or polyandry people or believers in the practice thereof unless  
4 their religion allows it;

5 (d) Persons suffering from mental alienation or incurable contagious disease;

6 (e) Persons who, during the entire period of their residence in the Philippines,  
7 have not mingled socially with the Filipinos, or who have not evinced a sincere desire to  
8 learn and embrace the customs, traditions, and ideals of the Filipinos;

9 (f) Citizens or subjects of a foreign country which the Philippines is at war,  
10 during the period of such war or hostilities;

11 (g) Citizens of a foreign country whose laws do not grant Philippine citizens  
12 the privilege to become naturalized citizens thereof; and

13 (h) Persons engaging and/or supporting any terrorist activity or organization.

14 SEC. 137. *Residence Requirements, when reduced.* - The seven years  
15 continuous residence required in Paragraph (b) of Section 135, shall be reduced to five  
16 (5) years under any of the following conditions:

17 (a) He is a native-born foreign national;

18 (b) Being married to a woman who is a natural-born citizen, which marriage  
19 took place not less than three (3) years immediately prior to the filing of the petition;

20 (c) Having established a new industry duly registered or introduced a useful  
21 invention in the Philippines duly patented; or

22 (d) Having been engaged as a teacher in the Philippines in a recognized  
23 private school not established for the exclusive instruction of children of persons of a  
24 particular nationality or race, for a continuous period of not less than three (3) years.

25 SEC. 138. *Petition, Filing Fee and Contents Thereof.* - A filing fee of Twenty  
26 Five Thousand Pesos shall be paid and petitions for naturalization shall be signed by  
27 the petitioner in his own handwriting and sworn to by the petitioner on four copies, each  
28 accompanied by a recent photograph of the petitioner, and shall set forth:

- 1 (a) His name and surname, including aliases or other names by which he is  
2 commonly known and called; his citizenship; and whether single or married;
- 3 (b) The place and date of birth, and his trade, profession or occupation;
- 4 (c) The name of his spouse and his living children, if any, indicating their  
5 corresponding dates and places of birth, and whether living with him or not;
- 6 (d) His parents and former places of residence, indicating the periods of his  
7 residence in each place;
- 8 (e) That he has all the qualifications required under Section 135 of this Act;
- 9 (f) That he is not disqualified under Section 136 of this Act;
- 10 (g) That he will reside continuously in the Philippines from the date of filing of  
11 the petition up to the time of his admission to Philippine citizenship; and
- 12 (h) The names and place of residence of the witnesses whom he desires to  
13 introduce at the hearing of his petition.

14 SEC. 139. *Affidavit Requirement.* - The petition shall be supported by the  
15 affidavits of at least two credible persons of good standing in the community, stating that  
16 they personally know the petitioner to have been born in or a resident of the Philippines  
17 for the period of time required by this Act, that the petitioner is a person of good repute  
18 and morally irreproachable, and that the petitioner has in their opinion all the  
19 qualifications necessary to become a citizen of the Philippines and is not in any way  
20 disqualified under the provisions of this Act.

21 SEC. 140. *Publication Requirements.* - Immediately upon the filing of a petition,  
22 the Commissioner shall cause the publication of the petition at petitioner's expense,  
23 once a week for three (3) consecutive weeks in the Official Gazette, in one national  
24 newspaper of general circulation, and in one local (city or provincial) newspaper where  
25 the petitioners resides. Copies of said petition and a general notice of hearing shall also  
26 be posted in a public and conspicuous place in the central office or immigration regional  
27 or field office where the proceedings will be heard, which hearing shall not be held until  
28 after three (3) months from the date of last publication of the notice in the national  
29 newspaper. The Commissioner shall, as soon as possible, forward copies of the

1 petition together with the affidavits of the witnesses to the office of the Solicitor General,  
2 the Director of the National Bureau of Investigation, the provincial director of the  
3 Philippine National Police, and the provincial or city prosecutor of the province or city  
4 where petitioner resides.

5       SEC. 141. *Naturalization Proceeding.* - The Board of Special Inquiry shall  
6 conduct naturalization hearings under this Act: Provided, however, that no petition shall  
7 be heard within thirty (30) days preceding any election. The hearing shall be open to  
8 the public and the Solicitor General or his authorized representative shall appear on  
9 behalf of the government at all proceedings and at the hearing. The Board of Special  
10 Inquiry shall submit in writing its findings and recommendations taking into account the  
11 evidence presented and the testimony of witnesses whether the petitioner possess all  
12 the qualifications and none of the disqualification set forth under Sections 136 and 137,  
13 to the Board of Commissioners for decision, within thirty (30) days after termination of  
14 the hearing, together with the complete records of the case. The Board shall render its  
15 decision within thirty (30) days upon receipt of the entire records of the case.

16       If it is found in the course of the hearing that any of witnesses is not credible or is  
17 incompetent, and it is satisfactorily shown that the petitioner acted in good faith in  
18 presenting such witness, another witness may be presented by the petitioner upon  
19 proper motion, subject to approval of the Board of Commissioners.

20       SEC. 142. *Decision of the Board of Commissioners, When Final.* - The  
21 Decision of the Board of Commissioners granting or denying the petition shall become  
22 final and executory after the lapse of fifteen (15) days from the date parties or counsel  
23 receive a copy of the decision and no appeal has been filed with the Court of Appeals.

24       Should the Board of Commissioners affirm the petition for naturalization and said  
25 decision becomes final and executory, the commissioner shall upon payment of the two  
26 hundred thousand pesos naturalization fee, issue a certificate of naturalization to the  
27 petitioner and furnish a copy thereof to the civil registrar of the locality where the  
28 petitioner was born and also the locality where petitioner resides, for registration in the  
29 civil registry.

1           SEC. 143. *Certificate of Naturalization, Contents thereof.* - A certificate of  
2 naturalization issued under this Act shall, among other things, contain the following:

- 3           (a) The case number of the petition, as docketed;
- 4           (b) The number of the certificate of naturalization;
- 5           (c) The signature of the person naturalized which shall be affixed in the  
6 presence of the members of the Board of Special Inquiry, which heard the petition;
- 7           (d) The recent picture of the person naturalized;
- 8           (e) The personal circumstances of the person naturalized;
- 9           (f) The date on which his petition was filed;
- 10          (g) The date of the decision granting the petition; and
- 11          (h) The payment of the filing fee and naturalization fee; and
- 12          (i) The names of the members of the Board of Special Inquiry who conducted  
13 the hearing of the petition.

14           SEC. 144. *Renunciation and Oath of Allegiance.* - Before the issuance of the  
15 *certificate of naturalization* which shall be in such form as may be prescribed by the  
16 regulations, the petitioner shall, before the Commissioner or any member of the Board,  
17 taken the following oaths translated in Pilipino, whereupon, and not before, he will be  
18 entitled to all the privileges of a citizen of the Philippines:

19                            “I, \_\_\_\_\_, do hereby  
20                            solemnly swear that I renounce absolutely and forever  
21                            all allegiance and fidelity to any foreign potentate, state,  
22                            sovereignty, and particularly to the \_\_\_\_\_,  
23                            of which at this time I am a subject or citizen; that I will  
24                            support and defend the Constitution of the Philippines  
25                            and that I will obey the laws, legal orders, and decrees  
26                            promulgated by the duly constituted authorities of the  
27                            Republic of the Philippines; and I hereby declare that I  
28                            recognize and accept the supreme authority of the  
29                            Republic of the Philippines and will maintain true faith



1           SEC. 149. *Children Born Outside the Philippines after Naturalization.* - A child  
2 born outside the Philippines after the naturalization of his father shall be considered a  
3 citizen, subject to prior recognition of his citizenship by the Commission.

4           SEC. 150. *Effects of Petitioner's Death Before Finality of the Order.* - In case a  
5 petitioner dies before the final decision has been rendered, his widow and/or minor  
6 children may continue the proceedings. The decision rendered in the case shall, insofar  
7 as the widow and minor children are concerned, produce the same legal effect as if it  
8 had rendered during the lifetime of the petitioner.

#### 9                                   **Chapter 6. – Cancellation of Naturalization Certificate**

10           SEC. 151. *Cancellation of Naturalization Certificate.* – Upon motion made in the  
11 proper proceedings by the Solicitor General or by the provincial or city prosecutor  
12 concerned or by any concerned citizen, the Commissioner, upon hearing by and  
13 recommendation of the Board of Special Inquiry concerned, may cancel naturalization  
14 certificate issued and its registration in the proper civil registry shall be ordered revoked  
15 and considered null and void:

16           (a)    if it is shown that said naturalization certificate was obtained fraudulently  
17 by means of any false and fictitious statements or documents, misrepresentations, or  
18 concealment of material facts; or

19           (b)    if it is shown that the naturalized citizen has allowed himself to be used as  
20 a dummy in violation of the Constitution or any provision of law requiring Philippine  
21 citizenship as a requisite for the exercise, use or enjoyment of a right, franchise, or  
22 privilege; or

23           (c)    if it is shown that the minor children of the person naturalized failed to  
24 finish high school in a public school or recognized by neglecting to support the  
25 education of any such children.

26           Any person who claims to be a citizen by virtue of the naturalization of a parent  
27 or spouse whose certificate of naturalization has been ordered revoked and cancelled  
28 on any of the grounds set forth in this section, shall be deemed to have lost his  
29 Philippine citizenship and any right or privilege of a citizen which he may have or may

1 hereafter acquire under and by virtue of the naturalization of such parent or spouse. If  
2 said person wishes to continue to stay in the Philippines, he must apply for an  
3 appropriate visa as provided under this Act.

4 **TITLE VII**

5 **MISCELLANEOUS PROVISIONS**

6 **Chapter 1. – Legalization of Unlawful Residence of**  
7 **Qualified Foreign Nationals**

8 **SEC. 152. *When to File Application.*** - The provisions of this Act notwithstanding,  
9 any foreign national whose stay in the Philippines is otherwise unlawful under existing  
10 laws and who desires to reside permanently in the Philippines may apply for the  
11 legalization of his stay which shall be filed with the Commission on Immigration and  
12 Naturalization within one (1) year from the effectivity of the rules and regulations to  
13 implement the provisions of this Act.

14 **SEC. 153. *Qualifications and Requirements.*** - Any foreign national who wants  
15 to avail himself of the benefits under this Act must establish that:

16 (a) He has remained unlawfully in the Philippines for a period of at least five  
17 (5) years prior to filing of his application for legalization;

18 (b) He has, during the last five (5) years prior to the filing of his application,  
19 been continuously present physically in the country: Provided, that he shall not be  
20 considered to have failed to maintain continuous physical presence by virtue of brief,  
21 casual, and innocent absences from the Philippines;

22 (c) He possesses minimal understanding and knowledge of either English or  
23 any of the major dialects of the Philippines. Provided that the Commissioner may waive  
24 this requirement in the case of a foreign national who is sixty-five (65) years of age or  
25 over;

26 (d) He has no pending deportation case, or criminal case whereby he may be  
27 subject to deportation, or he is not engage in any activity where by he maybe subject to  
28 deportation: Provided, that in case of dismissal of a deportation or criminal cases  
29 against him, he may and could avail himself of the benefits under this Act.

1           SEC. 154. *Who are Qualified.* - The following foreign nationals are disqualified  
2 from availing themselves of the benefits under this Act:

- 3           (a) Those who are suffering from any mental disorder or are afflicted;
- 4           (b) Those who have been convicted by final judgment, any crime or offense  
5 involving moral turpitude during the entire period of his stay in the  
6 Philippines;
- 7           (c) Those who are fugitives from justice of any country;
- 8           (d) Those who have been convicted by final judgment of any crime or offense  
9 where the penalty imposed is imprisonment for more than one year or a  
10 fine exceeding then thousand (P10,000) pesos;
- 11          (e) Those who have been found guilty of unfair labor practices;
- 12          (f) Those who are shown to have defrauded their creditors by absconding or  
13 alienating properties to prevent their being attached or executed
- 14          (g) Those who are indigents or likely to become public charges; and
- 15          (h) Those who have been identified by competent authorities are involved or  
16 are sympathizers of terrorism, human smuggling and human trafficking.

17           SEC. 155. *Filing Fees.* - A filing fee of fifty thousand pesos for the applicant,  
18 then thousand for the spouse and five thousand for each minor child shall be paid upon  
19 submission by a foreign national of his application for legalization of his residence which  
20 amounts are not refundable. Such fees may be adjusted, as the Board of  
21 commissioners may deem necessary.

22           SEC. 156. *Filing of the Application: Its Effects.* - Any foreign national who has a  
23 pending application for legalization of residence under this Act shall not be subject to  
24 deportation proceedings.

25           SEC. 157. *Death of Applicant: Its Effects.* - In cases where the foreign national  
26 should die before the decision is rendered on his application, any decision rendered  
27 shall, insofar as the wife and unmarried children are concerned, produce the same legal  
28 effect as if the decision was rendered during the lifetime of the applicant.

1           SEC. 158. *Period to Resolve Applications.* - All applications filed under this Act  
2 shall be decided by the Board upon recommendation by the Board upon  
3 recommendations by the Board of Special Inquiry. All decisions of the Board shall  
4 become final and executory after fifteen (15) days from receipt of the notice and copy of  
5 the decision of the applicant or his counsel. The Board shall entertain only one motion  
6 for reconsideration, which must be filed in writing within fifteen (15) days from receipt of  
7 the notice and copy of the decision by the applicant or his counsel or record.

8           SEC. 159. *Effect of Approval and Consequences of Denial.* - Any foreign  
9 national whose application for legalization under this Act has been approved shall pay a  
10 legalization fee of fifty thousand pesos (P50,000) for the applicant, twenty-five thousand  
11 pesos (P25,000) for the spouse and ten thousand pesos (P10,000.00) for each minor  
12 child for such legalization to be implemented. The Board of Commissioner's may adjust  
13 such fees whenever they deem necessary. He shall be deemed to have been lawfully  
14 admitted for permanent residence in the Philippines as of the date of approval of his  
15 application. In case of denial, the applicant and his dependents, if any, shall be ordered  
16 to leave the country at their own expense, without prejudice to their returning to the  
17 Philippines and applying for adjustment of their status from temporary visitor to some  
18 other category or classification as non-immigrants or immigrants: Provided that the  
19 Commissioner may waive their physical departure if it is impossible or impracticable, or  
20 would result in exceptional and extreme hardship to the foreign national and his  
21 dependents, if any.

22           SEC. 160. *Waiver of Requirement by the Commissioner and Non-applicability of*  
23 *some Limitations.* – For purposes of this Act, the reciprocity requirement of immigrants  
24 may be waived by the Commissioner: Provided that such waiver shall not be exercised  
25 if it contravenes or is opposed to public interest or national security considerations.  
26 Similarly, the limitation for quota immigrant under this Act shall not apply to the  
27 legalization of unlawful residence and the status of a foregoing national as immigrant  
28 under this Act.



1           SEC. 165. *Notice for Change in Address.* - The alien shall notify the  
2 Commission in writing of any change of residence and his new address not later than  
3 seven (7) days after such change.

4           SEC. 166. *Presentment of Alien Certificate of Registration.* – Every alien  
5 required to register under this Act or the parent or guardian of such alien shall, upon  
6 demand or any immigration official, or any peace officer authorized by the Commission,  
7 exhibit his Alien Certificate of Registration or copy thereof. Failure to do so without  
8 justifiable cause shall subject such alien to an administrative fine.

9           SEC. 167. *Reportorial Requirement.* - Every alien registered under this Act  
10 shall, within the first sixty (60) days of every calendar year, report in person to the  
11 Commission. An annual report fee as prescribed by the Commission shall be paid by  
12 the alien.

13           SEC. 168. *Compliance by Minors of Registration Requirement.* – The parent or  
14 legal guardian of aliens below fourteen (14) years of age shall have the duty of  
15 complying with registration, notice and reporting requirements prescribed in this Act.

16           SEC. 169. *Failure to Comply with Registration Requirement.* - An alien or the  
17 parent or legal guardian of an alien who fails without justifiable cause to comply with the  
18 registration, notice and reporting requirements, provided in this Act, or who files an  
19 application for registration containing statement known by him to be false, or who  
20 utilizes a registration certificate other than his own, shall be subject to the appropriate  
21 administrative fine as prescribed in the implementing rules and regulations of the  
22 Commission.

23           SEC. 170. *Surrender of Alien Certificate of Registration.* – In the case of the  
24 death of an alien registered under the provisions of this Act, his legal heirs,  
25 representative or administrator must surrender the Alien Certificate of Registration of  
26 said deceased alien to the Commission within sixty (60) days from the date of death.  
27 The Local Civil Registrar or other civil registry officer of the locality where said alien died  
28 shall also furnish the Commission with a copy of the certificate of death of said alien  
29 within thirty (30) days from issuance thereof. Failure on the part of the persons

1 concerned to comply with the requirements of this section shall subject the offender to  
2 the appropriate fine or sanction as prescribed in the implementing rules and regulations  
3 of the Commission.

### 4 **Chapter 3. – Head Tax**

5 SEC. 171. *Head Tax; Amount Thereof, and By Whom Payable.* - A tax of five  
6 hundred (P500.00) pesos shall be collected from every foreign national who is fourteen  
7 (14) years of age or over admitted into the Philippines for a temporary stay exceeding  
8 sixty (60) days, or from every foreign national whose stay in the Philippines has  
9 exceeded sixty (60) days, which tax shall be paid to the Commission.

### 10 **Chapter 4. – Bonds and Deposits**

11 SEC. 172. *Bonds, When Exacted.* - The Commission shall have the power to  
12 exact cash bond in such amounts and under such conditions as it may prescribe:

- 13 (a) To control and regulate the admission into, and departure from, the  
14 Philippines of aliens applying for temporary admission;
- 15 (b) To insure against alien passengers liable to be excluded as likely to  
16 become public charges, from becoming public charges; and
- 17 (c) To insure the appearance of aliens released from custody during the  
18 course of deportation proceedings instituted against them, as determined  
19 by the respective Board of Special Inquiry hearing the deportation cases.

20 SEC. 173. *Requirement of Cash Deposits for Overtime Services.* - The  
21 Commission shall likewise have the power to require cash deposits in such amounts as  
22 may be necessary from shipping and airline companies or other persons served to  
23 cover payments for overtime services to be performed by officers and employees of the  
24 Commission.

25 SEC. 174. *Cancellation and Forfeiture of Bonds.* - When the conditions of the  
26 bond are fulfilled, or in the case of a bond posted to insure against an alien becoming a  
27 public charge when the Commission shall decide that the likelihood no longer exists, or  
28 in the event of the naturalization as a Philippine citizen or death of the alien in whose  
29 behalf the bond is posted, the bond shall be cancelled and refunded to the depositor or

1 his legal representative. In case of violation of the conditions of the bond, the same  
2 shall be forfeited and deposited in a trust fund account, which may be utilized for the  
3 purchase of tickets of indigent deportees and to cover the costs of operations in the  
4 arrest of the deportee who jumps bail.

#### 5 **Chapter 5. - Recognizance**

6 SEC. 175. *Petitions for Recognizance Sanction for Breach of Conditions.* - The  
7 Commissioner may order the release of an alien upon recognizance of his lawyer or a  
8 person who is of good standing in the community, under such terms and conditions as  
9 he may prescribe. Any lawyer, individual or a juridical person who fails to comply with  
10 any term or condition of the recognizance entered into by him shall be subject to a fine  
11 of not more than one hundred thousand pesos (P100,000.00) but not less than ten  
12 thousand (P10,000.00) pesos, without prejudice to administrative sanction and or  
13 disbarment proceedings, if appropriate and warranted, in the case of a lawyer. If non-  
14 compliance under this section is committed by a foreign diplomatic or consular officer,  
15 he shall be reported to the ambassador of his country and to the Secretary of Foreign  
16 Affairs. If committed by a travel agency, it shall be barred from transacting business  
17 with the Commission or to enter its premises. In all cases, the erring individual or  
18 agency shall be fined an amount of not more than one hundred thousand pesos  
19 (P100,000.00) but not less than ten thousand pesos (P10,000.00).

#### 20 **Chapter 6. – Human Trafficking and Alien Smuggling**

21 SEC. 176. *Human Trafficking and Alien Smuggling, Defined.* - As used herein,  
22 "Human Trafficking" shall refer to the illicit and profit-motivated transportation of  
23 persons, especially women and children across international borders, with or without  
24 their consent or knowledge, by small crime rings or international criminal syndicates, for  
25 purposes of sexual exploitation or clandestine labor under inhumane, abusive, and  
26 slave-like conditions. Alien smuggling shall refer to any of the following acts:

27 (a) The recruitment, transfers, development or travel of any alien with or  
28 without the alien's consent or knowledge, or other illegal means for landing or entry into  
29 the Philippines without valid passport visa or travel documents.

1 (b) The recruitment, transfers, deployment or travel of any alien with or  
2 without the alien's consent or knowledge, or other illegal means for landing or entry into  
3 the Philippines with valid passport, visa or travel documents but without proper  
4 inspection, admission and clearance by immigration officials.

5 (c) The entry of an alien into the Philippines not duly admitted by an  
6 immigration official or not lawfully entitled to enter or reside within the Philippines under  
7 terms of the immigration laws.

8 (d) Being an alien shall for any fraudulent purpose obtains entry into the  
9 Philippines by willful, false or misleading representation or willful concealment of a  
10 material fact, including the use of falsified visa, passports or travel documents.

11 Alien smuggling may be committed by the alien himself, any person, group of  
12 persons, corporation, associations, clubs or other entity aiding, harboring, concealing,  
13 employing or giving comfort to the alien mentioned herein.

14 *SEC. 177. Arrest of Those Involved in Alien Smuggling and Human Trafficking.*

15 – Immigration officers and agents and police officers, agents of the National Bureau of  
16 Investigation and other agents of law enforcement units duly deputized may arrest an  
17 alien and any person, group of persons, officers or corporations, associations, clubs or  
18 other entity aiding, harboring, concealing, employing or giving comfort to the alien  
19 mentioned herein on violations of the preceding section. The arresting officer shall  
20 within twenty-four (24) hours after the arrest have been made, turn over the arrested  
21 alien to the Law and Investigation Department for investigation to be conducted by the  
22 legal officer.

23 *SEC. 178. Complaints for Acts of Alien Smuggling and Human Trafficking. -*

24 Complaints for Acts of Alien Smuggling and Human Trafficking shall be evaluated by a  
25 legal officer of the Law and Investigation Division. Should there exist a prima facie case  
26 of alien smuggling, the Immigration Prosecutor shall file with the Board of Special  
27 Inquiry the Deportation Charge against the alien concerned for deportation proceedings.

28 The Law and Investigation Department shall likewise prepare a complaint  
29 affidavit for filing with the office of the prosecutor for possible filing of criminal charges

1 before the courts against the alien and those other persons who aided, harbored,  
2 concealed, employed, or gave comfort to the alien.

3 The final deportation order shall be stayed while the criminal case is pending.

#### 4 **Chapter 7. – Liaison with Internal Security Officers**

5 SEC. 179. *Liaison With Internal Security Officers.* – The Commissioner shall  
6 have authority to maintain direct and continuous liaison with the Director of the National  
7 Bureau of Investigation and the National Intelligence Coordinating Agency and with  
8 other internal security officers of the government for the purpose of obtaining and  
9 exchanging information for use in enforcing the provisions of this Act in the interest of  
10 the National Security of the Philippines. The Commissioner and the head of the Office  
11 of Consular Affairs of the Department of Foreign Affairs shall likewise maintain direct  
12 and continuous liaison with each other with a view to a coordinated, uniform, and  
13 efficient administration of this Act and all other immigration and citizenship laws.

#### 14 **Chapter 8. - Designation of Ex Officio Special Agents**

15 SEC. 180. *Designation of Personnel as Ex-Officio Special Agents.* - The  
16 Commissioner is authorized to designate any regular employee of a municipality as ex  
17 officio special agent of the Commission for the enforcement of this Act, without  
18 additional compensation, and to confer or impose upon the employee so designated  
19 any of the powers, duties and functions conferred or imposed by this Act or the  
20 regulations issued thereunder upon employees of the Commission as the  
21 Commissioner shall, with the approval of the Secretary I prescribe and define by  
22 appropriate rules and regulations: *Provided, however,* That any such designation shall  
23 be limited only to remote municipalities situated on the coastline of the Philippines  
24 where the employee designated is permanently residing: *Provided, further,* That any  
25 such designation may be revoked at any time by the Commissioner.

26 SEC. 181. *Supervision Over Ex-Officio Special Agents.* – Ex officio special  
27 agents shall be under the general supervision of the Regional Immigration Supervisors  
28 under whose jurisdiction the municipality is located, and shall perform such duties and  
29 functions as indicated in their designation. Pending issuance of the rules and

1 regulations governing enforcement of the preceding section, city and municipal  
2 treasurers designated *ex officio* special agents of the Bureau of Immigration under  
3 Republic Act No. 750 shall continue to perform their duties and functions as provided for  
4 in the rules and regulations governing the enforcement of aforesaid Act, except their  
5 functions to act on applications of aliens for registration and to receive the required fees  
6 therefore and collection of the annual report fee paid by aliens as provided for in the  
7 same Act as fore cited.

8 **Chapter 9. – Fees and Charges**

9 SEC. 182. *Authority of the Commissioner to Collect Fees and Charges.* - The  
10 Commissioner is authorized under the provisions of this Act, to prescribe and collect  
11 fees and charges for services, which shall take effect fifteen (15) days after the last  
12 publication thereof for two (2) consecutive weeks in a national newspaper of general  
13 circulation.

14 **Chapter 10. – Administrative Fines Against Vessel or Aircraft**

15 SEC. 183. *Fine for failure to submit crew list, passenger manifest or failure to*  
16 *account every passenger and crew.* - Any vessel arriving at a port in the Philippines  
17 from a place outside thereof who fails to submit to the immigration authorities the crew  
18 list and/or passenger manifest as provided in Sections 48 and 97 hereof, or fails to  
19 produce satisfactorily or account for every crewmember or passenger, whose name  
20 appears in said list, the pilot, master, agent, owner or consignee of the vessel or aircraft  
21 shall be subject to a fine of One hundred thousand pesos (P100,000.00) for failure to  
22 submit a complete, true and accurate report and a fine of fifty thousand pesos  
23 (P50,000.00) for each unaccounted person.

24 SEC. 184. *Fine for violation of obligation on the landing or removal of aliens.* -  
25 Any vessel arriving at a port of the Philippines from a place outside thereof and violates  
26 any of the provisions in Sections 86 and 119 hereof shall pay to the Commission a fine  
27 of not less than fifty thousand pesos (P50,000.00) but not more than two hundred  
28 thousand pesos (P200,000.00) for each violations as may be determined by the  
29 Commissioner.



1           SEC. 188. *Acts Penalized, against whom and penalty imposed.* - A fine of not  
2 less than One hundred thousand Pesos (P100,000.00) but not more than one million  
3 pesos (P1,000,000.00), provided no other cases are filed against the alien in the regular  
4 courts of law, shall be imposed on any person determined to have committed the  
5 following:

6           (a) Impersonate another individual, or falsely appears in the name of a  
7 deceased individual, or evades the immigration laws by using an assumed or fictitious  
8 name when applying for an immigration document;

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

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

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

17           (e) Represents himself to be a Philippine citizen;

18           (f) Knowingly makes under oath any false statement regarding any  
19 immigration matter; or

20           (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or  
21 gives comfort to any alien not duly admitted by any immigration officer or not lawfully  
22 entitled to enter into or resides within the Philippines, or attempts, conspires with, or  
23 aids another to commit any such acts;

24           Where the offender of any acts specified in paragraph (g) hereof is a corporation,  
25 company, partnership or other juridical entity, the president, general manager,  
26 managing partner, or chief executive officer thereof shall be held liable. Dismissal by  
27 the employer before or after apprehension shall not relieve the employer of the offense.

28           If the offender who commits any of the acts specified under paragraph (g) hereof  
29 of this section is the pilot, master, agent, owner, consignee, or other person in charge of

1 the vessel which brought the alien into the Philippines from any place outside thereof,  
2 the fine imposed under the first paragraph hereof shall constitute a lien against the  
3 vessel which may be enforced in the same manner as fines are collected and enforced  
4 under existing laws. Such vessel shall not be allowed to depart without prior clearance  
5 issued by the Commission. Where forfeiture is justified under the particular  
6 circumstances of the case, the forfeiture of the vessel in favor of the government in lieu  
7 of the fine shall be decreed.

8       SEC. 189. *Penalty for Non-compliance of a Subpoena.* - A fine of not more  
9 than One thousand pesos (P1,000.00) or imprisonment for not more than fifteen (15)  
10 days shall be imposed upon conviction on any person who having been duly served  
11 with a subpoena or subpoena *duces tecum* fails to comply with the requirements thereof  
12 without valid and justifiable cause and then who fails to observe the provisions of this  
13 Act.

14       SEC. 190. *Penalty for Ovestaying Crewmen.* - Any alien crewman who willfully  
15 remains in the Philippines beyond the period allowed him for temporary landing shall be  
16 guilty of an offense, and upon conviction thereof shall be fined of not less than fifty-  
17 thousand pesos (P50,000.00) but not more than one hundred thousand pesos  
18 (P100,000.00) or imprisonment of six (6) months or both at the discretion of the Board,  
19 and shall be summarily deported after his release from confinement.

20       SEC. 191. *Penalties on Fraudulent Applications.* - Any foreign national who  
21 makes any fraudulent application on materially false and misleading statements therein,  
22 regardless of whether or not the application is granted, shall, upon conviction, be  
23 punished with imprisonment of not less than one year but not more than five (5) years  
24 or a fine of not less than fifty thousand pesos (P50,000.00) but not more than one  
25 hundred thousand pesos (P100,000.00), or both at the discretion at the court, and  
26 summarily deported after serving the entire period of his imprisonment. This shall be  
27 without prejudice to prosecution for any other acts committed in connection with his  
28 application, which are punishable under existing laws. In cases where the application  
29 has already been approved, the conviction by final judgment of any offense punishable

1 under this Act or other laws arising from acts committed in connection with his  
2 application shall automatically revoke the legalization of the residence and status in the  
3 Philippines of the applicant, including his wife and unmarried children, if any.

4 SEC. 192. *Penalty for Tampering and or Alteration of Naturalization Certificate.* -

5 Any individual who shall fraudulently make, falsify, forge, change, alter or cause or aid  
6 any person to do the same; or who shall purposely aid and assist in falsely making,  
7 falsifying, changing, or altering a naturalization certificate for the purpose of making use  
8 thereof, or in order that the same be used by another person or persons; and any  
9 person, who shall purposely aid or assist another in obtaining a naturalization certificate  
10 in violation of the provisions of this Act shall be punished by a fine of not less than fifty  
11 thousand pesos (P50,000.00) but not more than two hundred thousand pesos  
12 (P200,000.00) or by imprisonment of not less than five (5) years or both, and in the  
13 case that the person convicted is a naturalized citizen, his certificate of naturalization  
14 and the registration of the same in the proper civil registry shall be ordered cancelled.

15 SEC. 193. *Penalty for Human Trafficking and Alien Smuggling.* - Any person

16 found guilty of committing any of acts enumerated in Section 176 shall suffer the  
17 penalty of prison mayor and a fine of one million pesos (P1,000,000.00) but not more  
18 than two million pesos (P2,000,000.00) for each alien smuggled into the Philippines:  
19 Provided, that if the offender is a foreigner, he shall be immediately deported, Provided  
20 that there are no other case filed and/or pending against the alien in the regular courts  
21 of law after service of his sentence and be barred permanently from entering the  
22 country again except if the offender is married to Filipino citizen, he shall be barred from  
23 entering the country for a period of five (5) years. If the offender is an agency,  
24 corporation, association, club or establishment, or any place of entertainment  
25 committing any of the acts enumerated in Section 176, the owner, president, head,  
26 manager, or any responsible official shall suffer the penalty herein provided. The  
27 registration with the Securities and Exchange Commission (SEC) and license to operate  
28 of the agency, corporation, association, tour or travel agent, club or establishment, or  
29 any place of entertainment shall be cancelled and revoked permanently. The owner,

1 president, or head manager thereof shall not be allowed to operate similar  
2 establishment in a different name.

3 SEC. 194. *Penalty for Terrorists.* - Any alien found engaging in, supportive of  
4 any terrorist activity and/or abetting a terrorist shall be meter a penalty of not less than  
5 five (5) years imprisonment and a fine of One Million Pesos (P1,000,000.00) but not  
6 more than two (2) million, Provided that immediately after the service of sentence, said  
7 alien shall be immediately deported and perpetually barred from entering the  
8 Philippines.

9 SEC. 195. *Penalty for Exploitation of Natural Resources and/or violation of*  
10 *Environmental Protection Law.* - Any alien caught disturbing/exploiting or attempting to  
11 disturb/exploit our natural resources without the appropriate permit or violating any of  
12 our environmental protection law, rules and regulations shall without prejudice to the  
13 filing of appropriate charges or institution of deportation proceedings be made to pay  
14 and administrative fine of one-hundred thousand (P100,000.00) pesos, plus cost of the  
15 property damaged as may be determined by the Department of Environment and  
16 Natural Resources (DENR).

17 SEC. 196. *Penalty for Violation of other provisions of the Act.* - Any other  
18 violations of this Act, which penalties are not specifically provided for, as well as the  
19 rules or regulations of the Commission which may hereafter be promulgated shall be  
20 subject to a reasonable penalty as may be determined by the Commissioner shall be  
21 penalized vessel arriving at a port of the Philippines from a place outside thereof and  
22 violates any of the provisions of this Act not specifically discussed in this Chapter shall  
23 pay to the Commission a reasonable fine as may be determined by the Commissioner  
24 which shall in no case be less than fifty thousand pesos (P50,000.00) but not more than  
25 two hundred thousand pesos (P200,000.00) for each violation.

## 26 **Chapter 12. – Funding**

27 SEC. 197. *Funding.* - In additional to its annual budget under the General  
28 Appropriations Act, the Commission on Immigration is authorized to use twenty percent  
29 (20%) of its income derived from collection of immigration fees, to be used for its

1 computerization project and to augment its funds for maintenance and other operating  
2 expenses, information gathering and storage and for communication and transport  
3 facilities in the enforcement of its functions.

#### 4 **Chapter 13. – Transitory Provisions**

5 SEC. 198. *Interim Period.* – The incumbent Commissioner and the two  
6 associate commissioners and the present immigration manpower compliment shall  
7 continue to exercise the powers and discharge the duties and responsibilities of their  
8 position and carry out the provisions of this Act for a period of one year from the date of  
9 its enactment into law and until such time that the members of the Commission are duly  
10 appointed by the President, and the new organizational, functional and manpower chart  
11 have been finalized,

12 SEC. 199. *Staffing Pattern and Salary Scale.* - To carry out the provisions of  
13 this Act, the Commissioner shall submit a new staffing pattern and salary scale for  
14 personnel services to the Secretary of the Department of Budget and Management for  
15 approval, which shall be in accordance with the Salary Standardization Law and other  
16 applicable laws under the National Compensation and Classification Plan.

17 SEC. 200. *Organization of the Commission.* – Upon approval of this Act, all  
18 employees of Bureau of Immigration covered by the civil service law and regulations  
19 shall continue to hold their present positions pending the organization of the  
20 Commission in accordance with the new staffing pattern: Provided however, That in the  
21 event that the positions are abolished in accordance with the reorganization, the  
22 affected employees shall be given first priority in the appointment or promotion to the  
23 newly created positions to which they may qualify; Provided further that no incumbent  
24 qualified employee of the Bureau of Immigration shall be unjustly separated from  
25 service; Provided finally that any qualified employee who cannot be absorbed by the  
26 Commission shall be entitled to a separation pay of two months (2) pay for every year of  
27 service and other benefits under existing retirement laws, at the option of the personnel  
28 concerned. Provided further that employees who have been dismissed for cause will no  
29 longer qualify for any position in the Commission.



1 decrees, executive proclamations, instructions, rules and regulations, or parts thereof,  
2 inconsistent with this Act or any of the provisions thereof are hereby repealed,  
3 superseded, or modified accordingly.

4 **Chapter 15 – Separability Clause**

5 SEC. 206. *Separability Clause.* - If any of the provisions of this Act is held  
6 invalid or unconstitutional, the other provisions thereof shall not be affected thereby.

7 **Chapter 16 - Effectivity Clause**

8 SEC. 207. *Effectivity Clause.* – This Act shall take effect after its complete  
9 publication in at least two (2) newspapers of general circulation.

10 Approved,