

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

①
OFFICE OF THE SECRETARY

10 FEB 5 1999

SENATE

S. B. No. 98

PLSTV

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The current governing law of the Bureau of Immigration, Commonwealth Act 613, was enacted under the American regime in 1940. Albeit the various amendments which have been introduced in the said law over the years, with globalization and proliferation of international crimes, a more capable and practicable immigration system is very much needed by our country to keep up with the vast changing times.

Article II, Section 7 of the 1987 Philippine Constitution gives paramount consideration to national sovereignty, territorial integrity, national security, national interest, and the right to self-determination, as it adheres to the policy of peace, cooperation and amity with all nations.

Toward this end, this bill seeks to apply and administer Philippine immigration policies, rules and regulations in the promotion of domestic and international interests of the Philippines, in recognition of:

- (a) The admission of foreign nationals for the purpose of enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) The need for increased technological and scientific development;
- (c) Promotion of conditions for social welfare and economic security of the people;
- (d) Compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;
- (e) Promoting international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities;
- (f) Modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and
- (g) Professionalization of the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

Hence, the immediate approval of this bill is earnestly sought.

FRANCIS G. ESCUDERO

10 JUL -5 P 19

SENATE

S. B. No. 98

RECEIVED

Introduced by Senator FRANCIS G. ESCUDERO

PHILIPPINE IMMIGRATION ACT OF 2010

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

1 TITLE I

2
3 GENERAL PROVISIONS

4
5 SECTION 1. *Title of the Act.* – This Act shall be known as the "Philippine
6 Immigration Act of 2010".

7 SEC. 2. *Declaration of Policy.* – In relation to other states, the Philippines shall
8 give paramount consideration to national sovereignty, territorial integrity, national
9 security, national interest, and the right to self-determination, as it adheres to the policy
10 of peace, cooperation and amity with all nations. Toward this end, Philippine
11 immigration policies, rules and regulations under this Act shall be applied and
12 administered in the promotion of domestic and international interests of the
13 Philippines, in recognition of:

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

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

1 (c) Promotion of conditions for social welfare and economic security of the
2 people;

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

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

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

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

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

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

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

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

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

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

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

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

26 (h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner of
27 Immigration and the Deputy Commissioner of Immigration, respectively;

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

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

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

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

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

22 (n) "Hold Departure Order" refers to (1) a directive that commands the
23 Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the
24 Philippines in cases of grant of bail and recognizance pending implementation of
25 Summary Deportation Order, or (2) an order implementing a directive from the
26 President, the Senate, the House of Representatives, the Department of Justice (DOJ),

1 Regional Trial Courts, Sandiganbayan, and appellate courts to prevent a person from
2 leaving the Philippines to any place outside thereof;

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

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

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

11 (r) "Immigration Officer" refers to any person appointed under Section 28 of
12 this Act or any employee of the Commission designated by the Commissioner to
13 perform the powers, duties and functions of an Immigration Officer as specified under
14 this Act;

15 (s) "Interception" refers to the act of Immigration Officers denying departure
16 clearance to any person leaving the country on grounds provided for in this Act;

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

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

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

26 (w) "Person" refers to natural and juridical person such as partnerships,
27 corporations, companies, and associations;

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

4 (y) "President" refers to the President of the Republic of the Philippines;

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

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

13 (bb) "Secretary" refers to the Secretary of the Department of Justice;

14 (cc) "Stateless Person" refers to a person who is not considered a national by
15 any State under its laws;

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

22 (ee) "Vessel" refers to all means of conveyances, whether aircraft or sea craft;

23 (ff) "Visa" refers to an endorsement on a passport or any travel document
24 issued by a Consular Officer abroad authorizing the holder thereof to proceed to a
25 designated port of entry in the Philippines and there to apply for entry and admission
26 under the status specified therein; or immigration status granted and/or issued to
27 foreigners by the Commissioner or the Board under this Act; and

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

7 TITLE II

8 COMMISSION ON IMMIGRATION

9 CHAPTER 1

10 THE COMMISSION

11 **SEC. 4. *Creation.*** – The Commission on Immigration is hereby created. It shall
12 be principally responsible for the administration and enforcement of this Act, and the
13 implementation of all laws, rules, regulations or orders of any competent authority
14 concerning the entry and admission into, stay in, and the departure from the
15 Philippines of all persons. The Commission shall be under the general supervision of
16 the Department of Justice.

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

24 CHAPTER 2

25 THE COMMISSIONER

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

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

7 (a) Supervise, direct and coordinate the overall operations of the
8 Commission;

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

12 (c) Issue, (1) letter orders after determination of the existence of probable
13 cause; (2) commitment or release orders; (3) warrant of deportation; (4) watchlist
14 orders; (5) hold departure orders; (6) allow entry or departure orders; (7) blacklist
15 orders; and (8) orders implementing watchlist orders issued by the Department of
16 Justice;

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

21 (e) Act on applications for issuance and extension or on petitions for
22 conversion, adjustment and amendment of visas;

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

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

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

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

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

7 (k) Issue Certificate of Identification to foreigners who have obtained Filipino
8 citizenship;

9 (l) Issue letter orders and permits to carry firearms, ammunition and
10 communications equipment to authorized immigration operatives for use in
11 enforcement operations and in the execution of warrants: *Provided*, That such firearms
12 and ammunition are owned and issued by the Commission;

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

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

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

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

24 (q) Provide an express lane for the rendition of services upon payment of
25 prescribed fees by airlines/shipping companies or other persons served and to deposit
26 in a government authorized depository bank all such fees received under a trust fund

1 that may be made available for the payment of allowances to employees of the
2 Commission, subject to existing accounting and auditing rules and regulations;

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

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

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

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

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

19 (w) Perform such other functions inherent to the Commission.

20 CHAPTER 3

21 THE DEPUTY COMMISSIONERS

22 *SEC. 8. Appointment and Rank of Deputy Commissioners.* – There shall be four
23 (4) Deputy Commissioners who shall be appointed by the President. They shall have
24 the same rank, salary and privileges of an Assistant Secretary of a Department.

25 *SEC. 9. Duties of Deputy Commissioners.* – In addition to their duties as
26 members of the Board, the Deputy Commissioners shall exercise additional powers,

1 subject to the approval of and as may be assigned by the Board, in the following areas
2 of concern as:

3 (a) Deputy Commissioner for Administration, Finance, Planning, Legal and
4 Information and Communications Technology;

5 (b) Deputy Commissioner for Regional Operations, Registration, Immigration
6 Regulation and Visa and Special Permit;

7 (c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and
8 Complaint and Prosecution; and

9 (d) Deputy Commissioner for International Policies, Cooperation and Social
10 Integration.

11 CHAPTER 4

12 THE BOARD OF COMMISSIONERS

13 *SEC. 10. Powers and Functions of the Board.* - The Board shall have the
14 following powers and functions:

15 (a) Decide on deportation cases;

16 (b) Act on appeals on decisions promulgated by immigration hearing officers;

17 (c) Act on applications or recommendations for revocation of immigration status;

18 (d) Act on applications for recognition of Philippine citizenship by reason of birth
19 or marriage;

20 (e) Decide on applications for legalization of residence in accordance with law;

21 (f) Prescribe and promulgate rules of proceedings before it;

22 (g) Cite and punish for contempt any person in accordance with the Rules of
23 Court;

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

26 (i) Formulate policies, directives, programs and projects of the Commission; and

27 (j) Perform such other powers and functions as provided by existing laws, rules

1 and regulations not inconsistent with any of the provisions of this Act.

2 *SEC. 11. Decisions of the Board.* – In all cases or proceedings before the
3 Board, the decision of the majority shall prevail. Decisions of the Board shall become
4 final and executory fifteen (15) days from receipt thereof. Only one (1) motion for
5 reconsideration shall be filed with the Board.

6 Decisions in deportation cases may be appealed to the Office of the President
7 within fifteen (15) days from receipt thereof, whose decision shall be final and executory
8 unless stayed by an order of the Court of Appeals. The appeal shall stay the execution
9 of the decision appealed from unless the Board, in the interest of national security
10 and/or public safety, directs its execution pending appeal.

11 *SEC. 12. Period for Decision by the Board.* – The Board shall decide
12 deportation cases within thirty (30) days from the date they are submitted for decision
13 or resolution.

14 *SEC. 13. Meetings of the Board.* – In all cases, the Board shall convene and act as a
15 collegial body in all matters referred to in Section 10 of this Act. The Board shall meet
16 at least once a week or, if necessary, twice a week. Members of the Board shall be
17 notified accordingly and the presence of the Chairperson and two (2) members shall
18 constitute a quorum.

19 *SEC. 14. Board Secretary.* – The Board shall be assisted by a Board Secretary who
20 shall be appointed by the Commissioner. He/she must be a member of the Philippine
21 Bar in good standing for at least three (3) years prior to his/her appointment. He/she
22 shall keep a docket book for deportation cases, applications for revocation of
23 immigration status, applications for recognition of Philippine citizenship by reason of
24 birth or marriage, applications for legalization of residence and applications for refugee
25 status.

26 **CHAPTER 5**

27 **THE EXECUTIVE DIRECTOR**

1 practice of law for at least three (3) years. They shall hold office during good behavior,
2 unless sooner removed for cause.

3 *SEC. 19. Powers and Functions of the Boards of Special Inquiry.* – The Boards of
4 Special Inquiry shall:

5 (a) Administer oaths;

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

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

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

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

12 (1) Deportation;

13 (2) Applications for revocation of immigration status;

14 (3) Applications for recognition of Philippine citizenship by reason of
15 birth or marriage;

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

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

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

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

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

1 Board for action.

2 CHAPTER 7

3 DIVISIONS OF THE COMMISSION

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

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

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

26 CHAPTER 8

27 REGIONAL OFFICES

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

4 The Regional Immigration Offices of the Commission shall each be headed by a
5 Regional Immigration Officer, all of whom shall be appointed by the Secretary upon the
6 recommendation of the Commissioner.

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

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

16 *SEC. 28. Immigration Officers.* – The position of Immigration Officer is hereby
17 created. No person shall be appointed to the position of Immigration Officer unless he
18 is a holder of a bachelor's degree and a first grade civil service eligible. The Immigration
19 Officers shall perform the following duties:

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

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

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

26 (d) Search for foreign nationals on any vessel believed to be used to illegally
27 bring foreign nationals into the Philippines, and to arrest without warrant any foreigner

1 who in his presence or view is entering or is about to enter the Philippines in violation
2 of immigration and related laws, rules and regulations;

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

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

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

12 *SEC. 30. Assignment of Employees to do Overtime Work.* - The Commissioner
13 may assign immigration employees to do overtime work or services pursuant to rules
14 and regulations to be prescribed and at the rates fixed by the Commissioner when the
15 work or service to be rendered is to be paid by the airline, shipping companies or other
16 persons served.

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

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

1 IMMIGRATION

2 CHAPTER 1 - NON-IMMIGRANTS

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

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

9 1. Business (A-1 visa): Temporary visitors engaged in activities of a
10 commercial or professional nature for a foreign employer or for
11 themselves that will not result in gainful employment in the Philippines.

12 As used herein, the term "business" refers to conventions, conferences,
13 consultations and other legitimate activities of a commercial or a
14 professional nature, but does not include local employment or labor for
15 hire;

16 2. Pleasure (A-2 visa): Temporary visitors who stay in the Philippines for
17 holiday, including sightseeing, recreation or visiting relatives; and

18 3. Health (A-3 visa): Temporary visitors who stay in the Philippines to avail
19 of medical treatment.

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

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

26 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens and their
27 family members from a country that has a trade treaty with the Philippines and coming

1 to work in the Philippines for either a company they own or one that is at least fifty
2 percent (50%) owned by nationals of their home country and which company is
3 engaged in substantial trade between the Philippines and their home country shall be
4 granted a D-1 visa.

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

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

- 14 1. Persons entitled to E-1 Visa: The E-1 Visa shall be issued to persons
15 enjoying diplomatic immunities and privileges, particularly the following
16 classes of foreign nationals:
 - 17 a. Heads of the State and Heads of Government and their personal
18 representatives;
 - 19 b. Members of reigning royal families recognized by the Philippine
20 Government;
 - 21 c. Governors-General, Governors, and High Commissioners of
22 dependent territories and their personal representatives;
 - 23 d. Cabinet ministers and their deputies and officials with cabinet rank
24 of ministers;
 - 25 e. Presiding officers of national legislative bodies;
 - 26 f. Justices or judges of the highest national judicial bodies;
 - 27 g. Diplomats and career consular officials;

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

16 2. Persons entitled to E-2 Visa: The E-2 visa shall be issued to any other

17 person not included in the foregoing list, who is an officer of a foreign

18 government recognized by the Philippines, is a national of the country

19 whose government he represents, and is proceeding to the Philippines in

20 connection with official business for his/her government.

21 This category includes, *inter alia*, the members of the staff of a

22 diplomatic mission or consular post, the staff of international

23 organizations, and official students or participants in programs under the

24 auspices of the Philippine Government or recognized international

25 institutions.

26 The family members of the above-mentioned persons shall also be

27 issued E-2 Visa.

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

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

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

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

22 (i) Representatives of International Organizations and Government Agencies (I
23 Visa) : Officials, principal representatives and foreign workers of accredited
24 international organizations as well as missions, including their family members, staff
25 and servants. The term "accredited international organization" includes any public
26 international organization in the activities of which the Philippines participates
27 pursuant to any treaty or under the authority of any act of the Congress of the

1 Philippines authorizing such participation or making an appropriation for such
2 participation and such other international organizations, institutions, agencies,
3 programs, foundations and entities which are recognized by the government of the
4 Republic of the Philippines, including those existing and already recognized as such at
5 the time of the effectivity of this Act. The term "staff" includes the employees of persons
6 to whom the E-3 visa has been granted;

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

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

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

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

1 accompanying or following to join them, who shall likewise be allotted individual
2 quota numbers;

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

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

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

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

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

22 **SEC. 37. Non-Quota Immigrants.** — The following immigrants, known as “*non-*
23 *quota immigrants*”, may be admitted without regard to numerical limitation and
24 immigration reciprocity:

25 (a) The spouse of a Philippine citizen: *Provided, however,* That the abandonment
26 and failure to give support by a foreign spouse to his/her Filipino spouse and family,
27 legal separation, or termination of the marital status by annulment, declaration of

1 nullity of marriage or divorce where the cause is attributable to the foreign spouse, shall
2 constitute grounds for cancellation of the immigrant visa issued to the foreign spouse;

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

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

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

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

13 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country
14 and is returning to the Philippines for permanent residence therein, including his/her
15 spouse and minor children accompanying or following to join him/her, except the one
16 who has re-acquired or retained his/her Philippine citizenship pursuant to Republic
17 Act No. 9225.

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

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CHAPTER 3

ADJUSTMENT OF STATUS

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

12 *SEC. 40. Effect of Approval of Application for Adjustment.* – Upon the approval
13 of an application for adjustment of status under the preceding section, the
14 Commissioner shall record the foreign national's lawful admission as a permanent
15 resident as of the date of the approval of the application and shall be included as part of
16 the quota for the calendar year in accordance with Section 34 of this Act.

17 *SEC. 41. Adjustment of Status, When Not Allowed.* – Adjustment of status
18 under Section 39 of this Act shall not be applicable to (a) a foreign crewmember, (b) a
19 foreign national who has violated or is in violation of immigration laws, rules and
20 regulations unless the same is through no fault of his/her own or for purely technical
21 reasons, (c) a foreign national admitted as a temporary visitor without visa, and (d)
22 transients.

CHAPTER 4

DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

24 *SEC. 42. Documentary Requirements of Non-immigrants.* – Non-immigrants
25 must present for admission into the Philippines valid passports issued by the
26 governments of the countries to which they owe allegiance to or other travel documents
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1 showing their nationality and identity as prescribed by regulations and a valid visa
2 granted by the Philippine Consular Officer, if required under existing laws, rules,
3 regulations, or multi-lateral or bilateral agreements.

4 *SEC. 43. Conditions and Period of Authorized Stay of Temporary Visitors. –*

5 The initial period of authorized stay of a foreign national admitted as a temporary
6 visitor under Section 33 of this Act shall not exceed two (2) months from the date of
7 arrival. Extensions of authorized stay may be granted under terms and conditions as
8 may be prescribed by the Commissioner: *Provided*, That the total period of authorized
9 stay shall not exceed twenty-four (24) months: *Provided further*, That during the foreign
10 national's authorized stay: (a) he/she shall not take any employment, whether paid or
11 unpaid; (b) he/she shall not establish or join in any business; or (c) he/she shall not
12 enroll and become a student at a school, college, university, academy, or other
13 educational institution, unless he/she is granted, upon proper application, a conversion
14 to another immigration status provided under this Act.

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

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

1 **SEC. 45. *Submission of Crew List and Passenger Manifest to the Commission.*** -
2 Simultaneous to the vessel's departure from the port of origin, the master, captain,
3 agent, owner or consignee of any commercial vessel arriving to the Philippines shall
4 submit to the Commission, within a reasonable time prior to such arrival, the crew lists,
5 passenger manifests and such other information concerning the persons arriving on
6 such a vessel. In the same manner and condition, the master, captain, agent, owner or
7 consignee of any commercial vessel departing from any port in the Philippines shall
8 submit to the Commission, within a reasonable time prior to such departure, the crew
9 list, passenger manifest and such other information concerning the persons departing
10 on such vessel. The crew list of an incoming sea craft shall be duly visaed by the
11 appropriate Consular Officer.

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

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

24 CHAPTER 5

25 REFUGEE STATUS

26 **SEC. 48. *Grant of Refugee Status.*** - Persons seeking refugee status may apply
27 for recognition as a refugee upon seeking admission at any port of entry or within a

1 reasonable time thereafter. Refugee status shall be granted after a determination by the
2 Board that an applicant meets the qualifications of a refugee as defined in Section 3(z)
3 hereof. Refugee status shall not be granted to an applicant if he/she:

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

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

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

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

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

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

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

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

24 **SEC. 51. Confidentiality of Information.** - In proceedings for the recognition of
25 refugee status, the confidentiality of information shall be respected and no information
26 relating to the refugee shall be shared with the country of origin, directly or indirectly.

1 Chapter 7 – Visa Issuance

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

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

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

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

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

22 All other non-immigrant visas under Section 33 shall be issued by the Consular
23 Officer, when the application is made abroad, or may be issued by the Office of the Visa
24 Director, when the application is made in the Philippines for conversion or renewal.

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

4 **SEC. 58. Requirements for Physical and/or Mental Examination Prior to**
5 **Issuance of Immigrant Visa.** – Prior to the issuance of an immigrant visa to any foreign
6 national, the Consular Officer shall require such person to submit to a physical and
7 mental examination in accordance with such regulations as may be prescribed by the
8 Commissioner. In addition, said foreign national shall be required to personally plant
9 fifty (50) trees, except when he/she is physically incapable of doing so, in which case,
10 he/she may cause another person to plant the trees.

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

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

26 **SEC. 61. Revocation of Visa Issued by Consular Officer.** – The Commissioner
27 may, for valid cause and upon confirmation of the Secretary of Foreign Affairs, revoke

1 the visa issued by any Philippine Consular Office. If the notice of revocation is not
2 received and the visa holder applies for admission into the Philippines, his/her
3 admission or entry shall be determined by the Immigration Officer upon his/her arrival
4 at the port of entry.

5 CHAPTER 8

6 RE-ENTRY AND EMIGRATION CLEARANCE

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

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

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

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

26 *SEC. 63. Emigration Clearance.* – Any temporary visitor departing from the
27 Philippines shall, after the expiration of his/her initial authorized stay, apply for

1 emigration clearance with the Commission and pay the prescribed fees and charges
2 therefor.

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CHAPTER 9

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PRESIDENTIAL PREROGATIVES

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

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

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

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

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

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

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

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

26

27

TITLE IV

1 **PROVISIONS RELATING TO ENTRY**

2 **CHAPTER 1**

3 **CLASSIFICATION OF PORTS OF ENTRY**

4 *SEC. 65. Authority to Classify Ports.* – The Commissioner shall classify and
5 designate, from among the ports of entry established by law for immigration purposes,
6 limited or unlimited ports of entry through which foreigners may be admitted into the
7 Philippines. Only such classes of foreigners as provided under the rules and regulations
8 prescribed by the Commissioner may be admitted at limited ports of entry. The
9 Commissioner may, after due notice to the public, close designated ports of entry in the
10 interest of national security or public safety.

11 **CHAPTER 2**

12 **PROCEDURES ON ARRIVAL**

13 *SEC. 66. Inspection by Immigration Officer.* – A foreigner seeking admission or
14 readmission shall present his/her valid passport and visa, if required, to the
15 immigration officer at the port of entry and shall be subject to primary inspection. The
16 decision of the examining Immigration Officer, if favorable to the admission of any
17 foreigner, may be challenged by another Immigration Officer. The final determination
18 of admissibility of such foreigner shall be determined by the Commissioner in case no
19 resolution is reached between the Immigration Officers on the challenged admission. In
20 case of admission, the Immigration Officer shall indicate in the passport the date, the
21 port of entry and the identity of the vessel boarded.

22 *SEC. 67. Detention or Quarantine for Examination.* – For the purpose of
23 determining whether a foreigner arriving at any port in the Philippines belongs to any
24 of the classes excludable under this Act by reason of being afflicted with any of the
25 contagious or communicable disease or mental disorder set forth under Section 78(a) of
26 this Act or whenever the Commissioner has received information showing that
27 foreigners are coming from a country or a place where any of such diseases are

1 prevalent or widespread, the foreigner 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. 68. Medical Examination Requirement.** - Any arriving foreign national
5 whom the examining Immigration Officer believes to belong under the class of
6 excludable foreign nationals specified in Section 78(a) herein shall be referred to
7 designated medical officers for physical and mental examination. Such medical officer
8 shall certify his/her findings for the information of the Immigration Officer.

9 **SEC. 69. Arrival Notice Requirements of Vessel.** - The immigration authorities
10 shall be given prior notice of the arrival of any civilian vessel before such vessel comes
11 into any area in the Philippines from any place outside thereof. Such prior notice shall
12 not be required in the case of vessels with scheduled arrivals filed with the Immigration
13 Officer in charge at the international port of entry.

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

19 **SEC. 70. Contents of Notice of Arrival.** - The advance notice of arrival required
20 in the preceding section shall specify the following:

- 21 (a) Type of vessel and registration marks;
- 22 (b) Visaed crewlist;
- 23 (c) Passenger manifest;
- 24 (d) Port of last departure;
- 25 (e) International port of intended destination, or other place authorized by the
26 Commissioner;
- 27 (f) Estimated time of arrival; and

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

2 CHAPTER 3

3 FOREIGN CREWMEMBER

4 *SEC. 71. Conditional Permit to Disembark.* — A foreign crewmember of a vessel
5 under Section 33(c) of this Act may be granted a conditional permit, in a form
6 prescribed by regulations, to disembark temporarily from the vessel on which he/she
7 arrived while such vessel remains in port under such terms and conditions as may be
8 prescribed by the Commissioner.

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

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

23 *SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember.* — It
24 shall be unlawful for any person, including the owner, operator, captain, master, pilot,
25 agent or consignee of any vessel to discharge any foreign crewmember employed a
26 vessel arriving in the Philippines and whilst in port, without first obtaining the prior
27 permission of the Commissioner. Otherwise, such person or owner, operator, captain,

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

7 *SEC. 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember. –*
8 The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
9 immediately report, in writing, to the immigration officer all cases of desertion or illegal
10 disembarkation in the Philippines from the vessel, together with a description of such
11 foreigners and any information that shall result in their apprehension.

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

21 *SEC. 77. Liability for Failure to Submit Complete, True and Correct Report. –* In
22 case the owner, operator, captain, master, pilot, agent, or consignee, fails to submit a
23 true and complete list or report of foreigners, or to report cases of desertion or illegal
24 landing, he/she shall pay to the Commission such sum as may be prescribed under this
25 Act. No such vessel shall be granted clearance from any port in the Philippines while
26 such fines remain unpaid or while the validity thereof is being determined: *Provided*,

1 that clearance may be granted prior to such determination upon deposit of a sum or
2 cash bond sufficient to cover such fines as approved by the Commissioner.

3 CHAPTER 4

4 EXCLUSIONS

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

7 (a) Health Related Grounds

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

14 (b) Economic Grounds

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

19 (c) Moral Grounds

- 20 1. Those coming to the Philippines to practice polygamy or who advocate
21 the practice of polygamy unless his/her religion allows such practices;
- 22 2. Those who are pedophiles, sexual perverts or those coming to the
23 Philippines for immoral purposes;
- 24 3. Those who are engaged or who seek to engage in prostitution or to
25 procure or attempt to procure prostitutes, or who receives in whole or in
26 part the proceeds of prostitution;

1 4. Those who, at the time of primary inspection, by the Immigration Officer
2 exhibit any obnoxious behavior, contempt or disrespect for the said officer
3 or any government official or Commission;

4 (d) Criminal and Security Grounds

5 1. Those who have been convicted of a crime involving moral turpitude or
6 who admit to the Immigration Officer having committed such crime, or
7 who attempt and conspire to commit the crime;

8 2. Those who have been convicted, or who admit having committed, or are
9 committing acts which constitute the elements of a violation or conspiracy
10 to violate any law or regulation of the Philippines or a foreign country
11 relating to a controlled, regulated or prohibited substance, or who attempt
12 or conspire to commit the crime;

13 3. Those that the Philippine Government knows or has reason to believe is a
14 trafficker of any controlled, regulated or prohibited substance or knows or
15 has reason to believe is or has been an accomplice, accessory, abettor, or
16 co-conspirator in the illicit trafficking of any controlled, regulated or
17 prohibited substance;

18 4. Those who are fugitives from justice;

19 5. Those who seek to enter the Philippines to engage in:

20 a. Espionage or sabotage, or a violation or evasion of any laws
21 prohibiting export of goods, technology or sensitive information;

22 b. Any activity aimed to promote membership in an organization of
23 syndicated criminal activities;

24 c. Any activity, the purpose of which is to overthrow the Philippine
25 government by force, violence or other unlawful means; and

26 d. Any other unlawful activity.

- 1 7. Those who are engaged or believed to be engaged or likely to engage in, aid,
2 abet or finance any terrorist activity and members or representatives of a
3 foreign terrorist organization;
- 4 8. Those who have been identified by competent authorities, local or
5 foreign, as having engaged or are engaging in human trafficking and
6 smuggling;
- 7 9. Those who are under fifteen (15) years of age and unaccompanied by or not
8 coming to a parent, except that they may be admitted in the discretion of the
9 Commissioner, if otherwise admissible; and
- 10 10. Those who have been identified by competent authorities, local and foreign,
11 as having engaged or are engaging in importation of contrabands and other
12 prohibited articles into the country.

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

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

25 *SEC. 80. Finality of Exclusion Order.* – An order by the Immigration Officer to
26 exclude a foreign national who is excludable under Section 78 hereof is final and

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

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

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

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

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

18 (b) The country of birth;

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

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

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

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

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

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

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

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

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

17 **TITLE V**

18 **DEPORTATION**

19 **CHAPTER 1**

20 **DEPORTABLE FOREIGN NATIONALS**

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

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

27 (b) Those who entered the Philippines who were not lawfully admissible at the

1 time of entry;

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

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

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

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

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

19 (h) Those who commit any violation of the provisions of this Act, independent of
20 any criminal action which may be brought against them: *Provided, however,* That in the
21 case of a foreigner who, for any reason, is convicted and sentenced to suffer both
22 imprisonment and deportation, said foreigner shall first serve the entire period of
23 his/her sentence before being deported: *Provided, further,* That the penalty of
24 imprisonment may be waived by the President upon payment by the foreigner
25 concerned of such costs, fines and/or damages, if any, awarded to the government or
26 any aggrieved party,;

27 (i) Those who, at any time after entry, are engaged in acts or omissions punishable

1 under Philippine penal laws cognizable by the Regional Trial Courts and the
2 Sandiganbayan;

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

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

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

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

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

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

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

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

25 **SEC. 87. Non-Prescription of Deportation Cases.** - The right of the State to
26 initiate at any time deportation proceedings shall not prescribe: *Provided*, That no
27 deportation proceedings and orders shall be had against foreigners facing preliminary

1 investigation, prosecution and trial before competent authorities.

2 CHAPTER 2

3 DETENTION AND DEPORTATION OF FOREIGN NATIONALS

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

8 **SEC. 89. Authority to Issue Letter Order.** – The Commissioner may issue a letter
9 order if he/she determines that a probable cause exists for the filing of deportation
10 charges against a foreigner for violation of immigration and other related laws, rules
11 and regulations or there is a strong probability that a deportable foreigner may flee
12 from his/her place of abode, go into hiding or surreptitiously leave the country.

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

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

27 **SEC. 92. Voluntary Deportation, When Authorized.** – In case the foreigner does

1 not contest the formal charge against him/her and opts to voluntarily leave the country
2 at his/her own expense, the Commissioner may waive the deportation proceedings and
3 order the departure within the period specified in the voluntary deportation order,
4 except in cases of violations of laws such as Republic Act No. 8042 otherwise known as
5 the "Migrant Workers and Overseas Filipinos Act of 1995": *Provided, That he/she has*
6 *not committed any criminal offense or has no pending case in court: Provided, further,*
7 *That the said foreigner so deported shall be barred from re-entering the country*
8 *without prior written authorization from the Commissioner.*

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

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

18 **SEC. 95. Suspension of Deportation Order.** – Upon application and payment of
19 the prescribed fees by the concerned foreigner, the Commissioner may suspend the
20 implementation of the deportation order and order his/her release for good cause,
21 taking into account the following factors:

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

1 **SEC. 96. Reinstatement of a Deportation Order.** – A deportation order previously
2 implemented against a foreigner who unlawfully re-entered the Philippines shall be
3 deemed automatically reinstated and shall be implemented in accordance with this Act.
4 This provision shall also apply to a foreigner who departed voluntarily under Section 92
5 hereof.

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

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

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

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

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

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

24 **SEC. 99. Cost of Deportation.** – The cost of deportation shall be borne by the owner,
25 operator, captain, master, pilot, agent or consignee of a vessel in case its foreign crew
26 member is to be deported for violation of Section 100 of this Act. In all other cases, the
27 cost of deportation shall be borne by the deportee himself/herself, the concerned

1 consular office, nongovernment organizations or people's organizations with which the
2 Commission has an agreement on this matter, or from the appropriations for the
3 enforcement of this Act.

4 *SEC. 100. Liability of Owner, Operator, Captain, Master, Pilot, Agent or*
5 *Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator, captain,
6 master, pilot, agent or consignee of a vessel to take on board, guard safely and transport
7 the deportee to his/her country of destination, or to shoulder the cost of deportation of
8 the foreign crew member as provided in Section 99 hereof, shall be punished by an
9 administrative penalty prescribed under this Act.

10 *SEC. 101. Expenses of Accompanying Person.* – The Commissioner may, by
11 reason of the mental or physical condition of the deportee, direct an employee of the
12 Commission to accompany such deportee to the country of his/her destination, subject
13 to the provisions of the immediately preceding sections.

14 CHAPTER 3

15 INDIGENT FOREIGNERS

16 *SEC. 102. Deportation of Indigent Foreigners.* – At any time after entry, the
17 Commissioner may deport indigent foreigners from the Philippines to the country of
18 which they are citizens or nationals, or country of birth, or country of residence, as the
19 case may be. The cost of deportation may be charged against the available funds of the
20 Commission. Any foreigner deported under this section shall be barred re-admission
21 except upon written authorization of the Commissioner.

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

26 TITLE VI

27 MISCELLANEOUS PROVISIONS

1 CHAPTER 1

2 REGISTRATION OF FOREIGN NATIONALS

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

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

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

14 *SEC. 106. Presentation of Certificate of Registration.* — Every foreigner
15 required to register under this Act or the parent or guardian of such foreigner shall,
16 upon demand of any authorized immigration official, present his/her certificate of
17 registration, and failure to do so without justifiable cause shall be dealt with in
18 accordance with the provisions of this Act.

19 *SEC. 107. Reportorial Requirements.* — Every foreigner registered under this Act
20 shall, within the first sixty (60) days of every calendar year, report in person to the
21 Commission subject to the payment of prescribed fees. The parent or legal guardian of
22 foreigners below fourteen (14) years of age shall have the duty to comply with the
23 requirements prescribed under this Act.

24 *SEC. 108. Failure to Comply with Requirements.* — A foreigner, or his/her parent
25 or guardian, as the case may be, who, without justifiable reason, fails to comply with all
26 the requirements under this Act, or who files an application for registration containing
27 statements known by him/her to be false, or who utilizes registration documents other

1 than his/her own, shall be dealt with in accordance with the provisions of this Act and
2 other existing laws.

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

11 12 **CHAPTER 2**

13 **BONDS AND DEPOSITS**

14 **SEC. 110. Bonds, When Required.** – The Commission shall have the authority to
15 require cash bonds in such amounts and under such conditions as it may prescribe:

16 (a) To control and regulate the admission into, and departure from, the
17 Philippines of foreigners applying for temporary admission;

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

20 (c) To insure the appearance of foreigners released from custody during the
21 course of deportation proceedings instituted against them.

22 **SEC. 111. Requirement of Cash Deposits for Overtime Services.** – The
23 Commission shall likewise have the authority to require cash deposits in such amounts
24 as may be necessary from vessel's owner, operator, captain, master, pilot, agent, or
25 consignee or other persons served to cover payments for overtime services to be
26 performed by officers and employees of the Commission.

1 **SEC. 112.** *Cancellation and Forfeiture of Bonds.* – When the conditions of the
2 bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a
3 public charge, when the Commissioner decides that the likelihood no longer exists, or
4 death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled
5 and released to the depositor or his/her legal representative. In case of violation of the
6 conditions of the bond, the same shall be forfeited and deposited in a trust fund account
7 which may be utilized for the purchase of passage tickets of indigent deportees and to
8 cover the costs of operations in the arrest of a deportee who jumps bail.

9 **CHAPTER 3**

10 **RECOGNIZANCE**

11 **SEC. 113.** *Petitions for Recognizance, Sanction for Breach of Conditions.* –
12 The Commissioner may order the release of a foreigner upon recognizance of his/her
13 lawyer or a person who is of good standing in the community, under such terms and
14 conditions as he/she may prescribe. Failure to comply with the terms and conditions
15 of the recognizance shall subject said lawyer or person to a fine of not less than fifty
16 thousand pesos (P50,000.00) but not more than One hundred thousand pesos
17 (P100,000.00), without prejudice to other administrative sanctions and/or proceedings
18 against the erring party.

19 **CHAPTER 4**

20 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

21 **SEC. 114.** *Working Cooperation with the Department of Foreign Affairs.* – For
22 purposes of efficient implementation and administration of this Act, the Commission
23 shall maintain a working cooperation with the Department of Foreign Affairs.

24 **SEC. 115.** *Working Cooperation with the Commission on Higher Education.* –
25 The Commission shall maintain a working cooperation with the Commission on Higher
26 Education with respect to accreditation of schools and learning centers for enrolment of
27 foreign students as authorized under this Act.

1 ***SEC. 116. Coordination with Law Enforcement, Security and Other Offices. —***

2 The Commissioner shall have authority to maintain coordination with the National
3 Security Council, the Philippine National Police, and other law enforcement agencies of
4 the government.

5 **CHAPTER 5**

6 **FEES AND CHARGES**

7 ***SEC. 117. Authority of the Commissioner to Prescribe, Impose and Collect Fees***

8 ***and Charges.*** — The Commissioner is authorized to prescribe, impose and collect fees
9 and charges for services rendered pursuant to the provisions of this Act, which shall
10 take effect fifteen (15) days after the last publication thereof for two (2) consecutive
11 weeks in a newspaper of general circulation.

12 ***SEC. 118. Head Fee.*** — Every foreign national who is at least fourteen (14) years

13 of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days
14 shall pay a head fee in an amount to be fixed by the Board.

15
16 **CHAPTER 6**

17 **ADMINISTRATIVE FINES AGAINST VESSELS**

18 ***SEC. 119. Fine for Failure to Submit Crew List or Passenger Manifest, or***

19 ***Failure to Account Every Passenger and Crew.*** — Any pilot, master, agent, owner or
20 consignee of a vessel arriving at any port in the Philippines from a place outside thereof
21 who fails to submit to the immigration authorities a complete and accurate crew list or
22 passenger manifest, or fails to produce or account every crewmember or passenger
23 whose name appears in said list or manifest shall be subject to fines of One hundred
24 thousand pesos (P100,000.00) and Fifty thousand pesos (P50,000.00) for each
25 unaccounted person, respectively.

26 ***SEC. 120. Fine for Violation of Obligation on the Landing or Removal of***

27 ***Foreigners.*** — A pilot, master, agent, owner or consignee of any vessel arriving at a

1 port of the Philippines from a place outside thereof in violation of this Act shall be
2 fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred
3 thousand pesos (P200,000.00) for each violation.

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

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

20 *SEC. 123. Fine for Violation of Other Provisions of this Act.* – The pilot,
21 master, agent, owner or consignee of any vessel arriving at any port of the Philippines
22 from a place outside thereof who violates any other provision of this Act not specifically
23 provided in this Chapter shall be fined not less than Fifty thousand pesos (P50,000.00)
24 but not more than Two hundred thousand pesos (P200,000.00) for each violation.

25 CHAPTER 7

26 OTHER PENAL PROVISIONS

1 *SEC. 124. Other Prohibited Acts and Penalties Thereof.* - Any person who shall
2 commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of
3 *prision correccional* in its maximum period to *prision mayor* in its minimum period or a
4 fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five
5 hundred thousand pesos (P500,000.00) or both, at the discretion of the court:

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

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

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

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

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

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

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

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

1 relieve such employer from any liability arising from the offense: *Provided*, That if the
2 offender is the pilot, master, agent, owner, consignee, or other person in charge of the
3 vessel which brought the foreigner into the Philippines from any place outside thereof,
4 the fine imposed under this section shall constitute a lien against the vessel which may
5 be enforced in the same manner as fines are collected and enforced under existing laws.
6 Such vessel shall not be allowed to depart without prior clearance issued by the
7 Commission. Where forfeiture is justified under the particular circumstances of the
8 case, the forfeiture of the vessel in favor of the government in lieu of the fine shall be
9 decreed.

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

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

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

24 **SEC. 127. Imposition of Maximum Penalty, When Applicable.** – A person
25 convicted under Republic Act No. 3019, as amended, otherwise known as the “Anti-
26 Graft and Corrupt Practices Act”, or other laws against corruption and bribery who

1 shall violate or circumvent any provisions of this Act shall, upon conviction, suffer the
2 maximum penalty for such offense as provided under this Act.

3 CHAPTER 8

4 FUNDING

5 *SEC. 128. Funding.* – In addition to its annual budget under the General
6 Appropriations Act, the Commission is hereby authorized to retain and use thirty
7 percent (30%) of its income derived from collection of immigration fees, fines, penalties
8 and charges for maintenance and other operating expenses, intelligence and law
9 enforcement, information and communication technology infrastructure, transportation
10 facilities and other capital outlay expenditures. The Commission is likewise hereby
11 authorized to retain and use its income in excess of the prescribed collection target.

12 CHAPTER 9

13 *SEC. 129. Staffing Pattern and Salary Schedule.* – To carry out the provisions
14 of this Act, the Commissioner shall submit a new staffing pattern and salary schedule
15 for personnel services to the Secretary of the Department of Budget and Management
16 for approval, which shall be in accordance with the Salary Standardization Law and
17 other applicable laws under the National Compensation and Classification Plan.

18 *SEC. 130. Reorganization of the Commission.* – Upon approval of this Act, all
19 employees of the Bureau of Immigration covered by the civil service law and
20 regulations shall continue to hold their present positions pending the
21 reorganization of the Commission in accordance with the new staffing pattern:
22 *Provided,* That the salaries, wages, allowances and other benefits of incumbent officers
23 and employees of the Commission shall not be subject to diminution: *Provided, further,*
24 That in the event that the positions are abolished in accordance with the
25 reorganization, the affected employees shall be *retained.* *Provided, finally,* That
26 employees who have been dismissed for cause shall no longer qualify for any position
27 in the Commission.

1 *SEC. 136. Separability Clause.* – If any of the provisions of this Act is held
2 invalid or unconstitutional the other provisions not affected thereby shall continue to be
3 in force and effect.

4
5 *SEC. 137. Repealing Clauses.* – (a) Commonwealth Act No. 613, otherwise
6 known as the Philippine Immigration Act of 1940, as amended, is hereby repealed; (b)
7 All laws, presidential decrees, executive orders, proclamations, memorandum orders,
8 instructions, rules and regulations or parts thereof inconsistent with this Act are hereby
9 amended or modified accordingly.

10 *SEC. 138. Effectivity Clause.* – This Act shall take effect fifteen (15) days after
11 its complete publication in the Official Gazette or in two (2) newspapers of general
12 circulation.

13 *Approved,*