

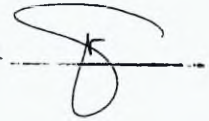
NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

'22 JUL 12 P4:50

SENATE

S.B. No. 410

RECEIVED BY: \_\_\_\_\_



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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT  
MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING  
ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND  
FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING  
THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND  
EMPLOYEES, AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

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

This bill seeks to modernize Commonwealth Act No. 613 otherwise known as the "*Philippine Immigration Act of 1940*" which is now seventy-nine (79) years old! While several laws have been enacted to address more recent national concerns, such as: R.A. No. 9165 otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*," R.A. 9208 otherwise known as the "*Anti-Trafficking in Persons Act of 2003*," R.A. 9372 otherwise known as the "*Human Security Act of 2007*," and R.A. 10168 otherwise known as the "*Terrorism Financing Prevention and Suppression Act of 2012*," a thorough and substantial revamp of the Philippine immigration law has not been undertaken yet.

Former President Rodrigo Roa Duterte's war against illegal drugs launched in 2016 is challenged by drug syndicates, operating international courier and smuggling networks, largely unabated through national airports, ports, and other points of entry. The Philippine Drug Enforcement Agency (PDEA) admits that at least four international drug cartels freely trade within Philippine territory, including the notorious Golden Triangle syndicate, which is owned by both the massive Batangas and Malabon laboratories. Obviously, modern syndicated crime, utilizing transnational organizations and digital technologies, is hardly contemplated by the antiquated Commonwealth Act No. 613 that governs the Philippine immigration.

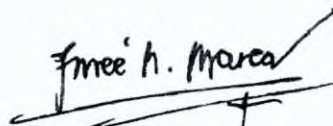
During the Senate hearings last Congress, an elaborate bribery strategy now infamously called the "*pastillas*" scheme was revealed, which involved high-ranking to rank-and-file employees of the Bureau, and their highly irregular and dubious issuance of the Visa-Upon-Arrival (VUA) allowed them to issue "*special employment visas*" to 119,000 foreigners in 2018 alone. This paved the way for the influx of Philippine Offshore Gaming Operators (POGOs) and traffickers in the country. As a result, the Department of Justice ordered the dismissal of eighteen (18) officers and employees of the Bureau after being found guilty of grave misconduct, gross neglect of duty, and conduct prejudicial to the best interest of the service.

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

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

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

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

  
**IMEE R. MARCOS**

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**EMPLOYEES, AND APPROPRIATING FUNDS THEREFOR**

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

**TITLE I**  
**GENERAL PROVISIONS**

**SECTION 1.** *Short Title.* – This Act shall be known as the "*Bureau of Immigration Modernization Act.*"

**SEC. 2.** *Declaration of Policy.* – In the conduct of its relations with other States, the Philippines shall give paramount consideration to national sovereignty, territorial integrity, national security, national interest, the right to self-determination, the enhancement of economic diplomacy, and the protection of overseas Filipinos in destination countries as it adheres to the policy of peace, cooperation and amity with all nations.

To this end, Philippine immigration policies, rules and regulations under this Act shall be applied and administered as instruments for the promotion of domestic and external interests of the Philippines, in recognition of:

- (a) the admission of foreign nationals for the purpose of encouraging and enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) the need to support technological and scientific development in the country;
- (c) the promotion of conditions for social welfare and economic security of the people;

- 1 (d) the fulfillment of obligations and compliance with standards set by international  
2 law in the admission or exclusion of foreign nationals;
- 3 (e) the modernization of structures and mechanisms necessary for the  
4 administration of immigration laws in keeping with the changing demands of the  
5 country's role in the global community; and
- 6 (f) the professionalization of the immigration service by instituting a rigid system of  
7 screening and selection of immigration officials and employees and promoting  
8 their development.

9 **SEC. 3. Definition of Terms.** – As used in this Act:

- 10 (a) *Admission* refers to the process by which a foreign national arriving at a port of  
11 entry in the Philippines is allowed into the country whereby a status or entry  
12 category is granted by the immigration authorities;
- 13 (b) *Border Control Officer* refers to any person tasked to man the Border Control  
14 Checkpoints authorized as provided in this Act,
- 15 (c) *Captain* refers to the master of a vessel or pilot of an aircraft;
- 16 (d) *Child* or *children* refers to a person or persons below eighteen (18) years of age;
- 17 (e) *Citizen* refers to any person who is a citizen of the Philippines under Section 1,  
18 Article IV of the Constitution of the Republic of the Philippines;
- 19 (f) *Commissioner* refers to the Commissioner of the Bureau of Immigration;
- 20 (g) *Commitment Order* refers to an order issued by the Commissioner under this Act  
21 that directs the taking into custody of a foreign national after it has been  
22 determined that probable cause exists that the foreign national committed acts  
23 or omissions in violation of Philippine immigration laws, rules and regulations, or  
24 during the pendency of deportation proceedings against such foreign national:  
25 *Provided*, That such custody shall not exceed three (3) months, unless there  
26 exists other legal grounds for continued custody;
- 27 (h) *Consular Officer* refers to any consular, diplomatic, or other officer of the  
28 Department of Foreign Affairs (DFA) who has been duly granted a consular  
29 commission for the purpose of issuing visas under this Act;
- 30 (i) *Derogatory Information* refers to details about persons and travel documents  
31 relating to immigration consisting of the following:
- 32 (1) *Blacklist Order* refers to an order issued by the Commissioner that prevents  
33 a foreign national from entering the territorial jurisdiction of the Philippines;
- 34 (2) *Hold Departure Order (HDO)* refers to an order issued by the Commissioner  
35 preventing a foreign national from leaving the territorial jurisdiction of the  
36 Philippines in cases where bail or recognizance is granted pending

1 implementation of a Deportation Order, or a directive implementing an  
2 order issued by the appropriate court preventing a person from leaving the  
3 territorial jurisdiction of the Philippines; and

4 (3) *Monitor Order* refers to an order issued by the Commissioner under this Act  
5 that requires immigration personnel to monitor the travel of any person for  
6 a period of thirty (30) days, and to notify the concerned government  
7 agencies of the Philippines;

8 (4) *Temporary Travel Restriction (TTRO)* refers to a document issued by the  
9 Secretary of Justice, or his authorized representative, against a respondent  
10 in a case subject of preliminary investigation when the minimum imposable  
11 penalty is six (6) months and one (1) day or when the offender is a  
12 foreigner regardless of the imposable penalty, directing the Bureau of  
13 Immigration to prevent the subject thereof from leaving the Philippines for  
14 a period of sixty (60) days from issuance of the order, unless the handling  
15 prosecutor recommends the filing of the appropriate case before the  
16 Regional Trial Court, which has the authority to issue HDOs. The TIRO may  
17 be extended for another sixty (60) days, but without prejudice to the filing  
18 of an Allow Departure Order.

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

26 (k) *Exclusion* refers to the act of Immigration Officers denying admission of a foreign  
27 national into the country on grounds provided in this Act;

28 (l) *Foreign national* or *alien* refers to any person who is not a citizen of the  
29 Philippines;

30 (m) *Immigrant* refers to any foreign national, other than a non-immigrant,-granted  
31 resident status in the Philippines under the provisions of this Act and other laws  
32 granting immigrant status;

33 (n) *Immigration laws* refer to this Act and any other laws presently existing or which  
34 may hereafter be enacted relating to the movement of natural persons to and  
35 from the Philippines;

36 (o) *Immigration Officer* refers to any person appointed under Title II, Chapter 18 of  
37 this Act or any employee designated by the Commissioner to perform the powers,  
38 duties and functions of an Immigration Officer as specified under this Act;

- 1 (p) *Non-immigrant* refers to any foreign national who is allowed entry and admission  
2 into the Philippines for a temporary or limited period of stay;
- 3 (q) *Non-refoulement* refers to a principle of international law which prohibits the  
4 forced or involuntary return of refugees or those seeking asylum in the  
5 Philippines to the state or territory where their lives or liberty are threatened;
- 6 (r) *Passport* refers to a document issued by a government to its citizens requesting  
7 other governments to allow such citizens to pass through or enter into a territory  
8 of other states safely and freely, subject to pertinent rules and regulations;
- 9 (s) *Person* refers to a natural person or a juridical person such as, but not limited  
10 to, partnerships, corporations, companies, and associations;
- 11 (t) *Port of entry* refers to any port designated by the Commissioner through which  
12 a foreign national may enter or exit the Philippines;
- 13 (u) *Refugee* refers to a person who, owing to a well-founded fear of being  
14 persecuted for reasons of race, religion, nationality, membership in a particular  
15 social group, or political opinion, is outside such person's country of nationality,  
16 and is unable or, owing to such fear, unwilling to avail of the protection of that  
17 country; or a person who, not having a nationality and being outside such  
18 person's country of former habitual residence, is unable or, owing to such fear,  
19 unwilling to return to it;
- 20 (v) *Seaman, Seafarer, or Crewmember* refers to a person actually employed in the  
21 operation or service in any capacity on board a vessel;
- 22 (w) *Stateless person* refers to a person who is not considered a national by any state  
23 under the operation of its laws;
- 24 (x) *Travel document* refers to a certification or identifying document containing the  
25 description and other personal circumstances of its bearer issued by a  
26 government to individuals for travel purposes;
- 27 (y) *Vessel* refers to all means of conveyances, whether aircraft or sea craft; and
- 28 (z) *Visa* refers to an endorsement on a passport or any travel document issued by a  
29 Consular Officer abroad authorizing the holder thereof to proceed to a  
30 designated port of entry in the Philippines and there to apply for entry and  
31 admission under the status specified therein; or an endorsement on a passport  
32 or any travel document granted by the Commissioner or the Board under this  
33 Act, or by any other person authorized by existing laws.

34 **TITLE II**  
35 **THE BUREAU OF IMMIGRATION**  
36 **CHAPTER 1**  
37 **THE BUREAU**

1           **SEC. 4. Overview.** – The Bureau of Immigration, hereinafter referred to as the  
2 "*Bureau*", shall be under the control and supervision of the Department of Justice  
3 (DOJ). The Bureau shall be principally responsible for the administration and  
4 enforcement of this Act, and the implementation of all laws, rules and regulations, or  
5 orders of any competent authority concerning the entry and admission into, stay in  
6 and the departure from the Philippines of all persons. The Bureau may seek the  
7 assistance of other government entities in the enforcement of laws, rules and  
8 regulations relating to immigration, border control and anti-trafficking in persons.

9  
10   **CHAPTER 2**  
11   **THE BOARD OF COMMISSIONERS**

12           **SEC. 5. Composition and Qualifications of the Board of Commissioners.** – The  
13 Bureau shall be administered by the Board of Commissioners, hereinafter referred to  
14 as the Board, headed by the Commissioner as Chairperson, and two (2) Deputy  
15 Commissioners as members, all of whom shall be natural-born citizens of the  
16 Philippines, holders of a college degree, with proven capacity for administration and,  
17 at the time of their appointment, at least thirty-five (35) years of age; *Provided*, That  
18 at least one of the members shall be a member of the Philippine Bar in good standing  
19 for at least five (5) years prior to the appointment: *Provided, further*, That at least  
20 one (1) member of the Board shall come from the ranks of the Commission.

21           **SEC. 6. Powers and Functions of the Board.** – The Board shall have the following  
22 powers and functions:

23           (a) Decide on applications or cases relative to:

24                   (1) Deportation;

25                   (2) Revocation of immigration status;

26                   (3) Reacquisition and retention of Philippine citizenship under Republic Act No.  
27                   9225, otherwise known as the "Citizenship Retention and Reacquisition Act  
28                   of 2003";

29                   (4) Issuance and revocation of all visas and permits;

30                   (5) Declaration of indigence; and

31                   (6) Legalization of residence in accordance with law.

32           (b) Cite and punish for contempt in relation to the discharge of its quasi-judicial  
33           functions in accordance with the Rules of Court;

34           (c) Prescribe and promulgate rules of procedure for proceedings before it;

35           (d) Prepare and publish operations manuals, including schedules of fees for all  
36           transactions entered into by the Bureau with the public;

- 1 (e) Formulate policies, directives, programs and projects of the Bureau; and  
2 (f) Such other powers and functions as provided in this Act and other existing laws,  
3 rules and regulations not inconsistent with any of the provisions of this Act.

4 **SEC. 7. *Decisions of the Board.*** – All cases or proceedings before the Board shall  
5 be decided with the concurrence of the majority of the members of the Board.  
6 Decisions of the Board shall become final and executory fifteen (15) days from receipt  
7 thereof by the concerned parties. Only one (1) motion for reconsideration shall be  
8 allowed.

9 Decisions in deportation cases may be appealed to the Secretary of Justice within  
10 fifteen (15) days from receipt thereof by the concerned party. The decision of the  
11 Secretary of the DOJ may be appealed to the Office of the President within (15) days  
12 from receipt of Judgment. The decision of the Board shall become executory after  
13 thirty (30) days from promulgation, unless within such period the President shall order  
14 the contrary.

15 **SEC. 8. *Period for Decision by the Board.*** –The Board shall decide deportation  
16 cases within sixty (60) days from the date they are submitted for resolution.

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

### 22 23 **CHAPTER 3**

#### 24 **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

25 **SEC. 10. *Appointment of the Commissioner.*** – The Commissioner shall be  
26 appointed by the President and shall have the same rank, salary, and privileges of an  
27 Undersecretary of a Department.

28 **SEC. 11. *Powers and Functions of the Commissioner.*** – In addition to the duties  
29 as Chairperson of the Board of Commissioners, the Commissioner shall exercise the  
30 following powers and functions:

- 31 (a) Supervise, direct and coordinate the overall operations of the Bureau;  
32 (b) Appoint, promote, and reassign personnel of the Bureau in accordance with civil  
33 service laws, rules and regulations, subject to the approval of the Secretary of  
34 Justice;  
35 (c) Issue the following:  
36 (1) Mission Orders, after determination of the existence of probable cause for  
37 the purpose of deportation;



- 1 (2) Commitment or Release Orders;
- 2 (3) Warrants of Deportation;
- 3 (4) Orders to inspect the documents, premises and records of persons covered  
4 by this Act; and
- 5 (5) Derogatory information orders defined in Section 3(i) of this Act;
- 6 (d) Delegate authority to subordinate immigration personnel and employees of the  
7 commission, except the powers and functions enumerated in paragraph (c) of  
8 this section, which may be delegated only to a Deputy Commissioner;
- 9 (e) Act on applications for extension of visas with the concurrence of the Board;
- 10 (f) Act on application for study and work permits;
- 11 (g) Control the opening and closure of posts, landing places, airports or ports  
12 classified as points of entry or exit, whether limited or unlimited;
- 13 (h) Increase, reduce or waive immigration fines, penalties and other charges;
- 14 (i) Issue Certificates of Naturalization to foreign nationals who have been granted  
15 the Philippine citizenship;
- 16 (j) Promulgate rules and regulations as may be necessary or proper for the effective  
17 discharge of the duties and responsibilities of the officials and personnel of the  
18 Bureau, and for the effective exercise of the powers and functions of the Bureau;
- 19 (k) Deputize, subject to the concurrence of the Board, any official or employee of  
20 the national government and local government units, including uniformed  
21 personnel of the Armed Forces of the Philippines, the Philippine National Police,  
22 and the Philippine Coast Guard to assist immigration personnel in the  
23 performance of their duties and functions;
- 24 (l) Seek the assistance of relevant government agencies for intelligence data  
25 gathering and sharing;
- 26 (m) Authorize and prescribe, with the concurrence of the Board, the form and the  
27 amount of cash bonds for the provisional release of respondents in deportation  
28 proceedings;
- 29 (n) Impose reasonable fines and penalties for violations of immigration and alien  
30 registration laws in accordance with this Act and the guidelines adopted by the  
31 Board;
- 32 (o) Accept donations of materials, equipment or technical services from any foreign  
33 government, international or domestic organization, to upgrade the efficiency  
34 and operations of the Bureau;
- 35 (p) Provide an express lane system for the rendition of services performed for  
36 individuals and entities upon payment of fees that may be prescribed, and

1 deposit in an authorized government depository bank such fees received under  
2 a trust fund subject to auditing and accounting rules, fifty percent (50%) of  
3 which shall be made available for the augmentation of the salaries of the  
4 employees of the Bureau and fifty percent (50%) of which shall be remitted to  
5 the national treasury;

6 (q) Submit to the President and to Congress, annually or as may be directed, a report  
7 on:

8 (1) the number and status of foreign nationals in the Philippines;

9 (2) foreign nationals admitted or granted change of status as permanent  
10 residents;

11 (3) foreign nationals who have been excluded or deported from the Philippines;

12 (4) the estimated number of illegal foreign nationals in the Philippines in each  
13 calendar year and actions taken to arrest them, grouped by nationality, for  
14 each region in the Philippines; and

15 (5) such other transactions of the Bureau:

16 (r) Determine the manning levels of Immigration Officers of the Bureau nationwide  
17 in accordance with the number of arrivals in each port of entry as determined by  
18 the Board: Provided, That for every three hundred (300) passengers there shall  
19 be one (1) Immigration Officer in an eight-hour shift;

20 (s) Receive administrative complaints against BI personnel, gather evidence in  
21 relation thereto, conduct administrative investigation, and transmit complete  
22 records thereon to the Office of the Secretary through the Internal Affairs Service  
23 (IAS);

24 (t) Prepare and submit a supplemental budget, if necessary, for the consideration  
25 of the Department of Budget and Management (DBM) and Congress;

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

28 (v) Require all vessel operators to submit advance passenger information in the form  
29 prescribed by the Board, and prescribe penalty for the violation hereof;

30 (w) Engage foreign counterparts pertaining to border control; and

31 (x) Perform such other functions inherent to the Bureau.

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

1           **SEC. 13. *Duties of Deputy Commissioners.*** – In addition to their duties as  
2 members of the Board, the Deputy Commissioners shall supervise a minimum of two  
3 (2) Divisions and one (1) regional office each as determined by the Commissioner.  
4

5   **CHAPTER 4**  
6   **THE INTERNAL AFFAIRS SERVICE**

7           **SEC. 14. *Qualifications of the Director, Internal Affairs Service (IAS).*** – An  
8 Internal Affairs Service (IAS) of the Bureau is hereby created directly under the Office  
9 of the Secretary of Justice, which shall be headed by a Director who must be a natural-  
10 born citizen of the Philippines, at least thirty (35) years of age and a member of the  
11 Philippine Bar in good standing for at least five (5) years prior to the appointment.

12           **SEC. 15. *Powers and Functions of the IAS.*** – The IAS shall have the following  
13 powers and functions:

- 14           (a) Conduct inspections and audit over all personnel and units of the Bureau;
- 15           (b) Conduct summary hearings of administrative cases initiated against personnel  
16 appointed by the Commissioner. The Office of the Commissioner shall receive all  
17 administrative complaints and indorse the same to the Office of the Secretary  
18 together with investigation reports and evidence gathered in relation to the  
19 complaint;
- 20           (c) File appropriate criminal cases against BI personnel before the court when  
21 warranted and assist in the prosecution thereof; and
- 22           (d) Provide assistance to the Office of the Ombudsman in cases involving the  
23 personnel of the Bureau.  
24

25   **CHAPTER 5**  
26   **THE BOARD SECRETARY**

27           **SEC. 16. *Qualifications of the Board Secretary.*** – There shall be a Board  
28 Secretary of the Board of Commissioners who must be a natural-born citizen of the  
29 Philippines, at least thirty (30) years of age and a member of the Philippine Bar in  
30 good standing for at least five (5) years prior to the appointment.

31           **SEC. 17. *Powers and Duties.*** – The Board Secretary shall:

- 32           (a) Attend in and take the minutes of all meetings of the Board;
- 33           (b) Prepare the agenda for the deliberation of the Board on visa applications;
- 34           (c) Prepare the agenda for the deliberation of the Board on deportation cases as  
35 endorsed by a member of the Board after initial review;

- 1 (d) Implement the decision of the Board approving visa applications, including  
2 revalidation;
- 3 (e) Keep and manage all records of the deliberation of the Board;
- 4 (f) Advise the members of the Board on all matters relative to compliance with  
5 relevant laws and requirements of regulatory authorities; and
- 6 (g) All other functions as may be directed by the Board.

## 8 CHAPTER 6

### 9 THE BOARDS OF SPECIAL INQUIRY

10 **SEC. 18.** *Creation of the Boards of Special Inquiry.* – There shall be created up  
11 to five (5) Boards of Special Inquiry (BSI) as required in the exigency of service as  
12 determined by the Board. Each BSI shall be composed of a Chairperson and two (2)  
13 members. The BSI shall be designated according to their areas of specialization to be  
14 determined by the Board.

15 **SEC. 19.** *Appointment and Qualifications of the Chairpersons and Members of*  
16 *the BSI.* – The Chairpersons and members of the BSI shall be appointed by the  
17 Commissioner, all of whom shall be natural-born citizens of the Philippines and, at the  
18 time of their appointment, at least thirty (30) years of age, members of the Philippine  
19 Bar in good standing and engaged in the practice of law for at least three (3) years.

20 **SEC. 20.** *Powers and Functions of the BSI.* – The BSI shall:

- 21 (a) Recommend to the Board of Commissioners for final resolution cases and  
22 applications relative to:
  - 23 (1) Deportation;
  - 24 (2) Revocation of immigration status;
  - 25 (3) Legalization of residence in accordance with law; and
  - 26 (4) Issuance of visas for stateless persons.
- 27 (b) Recommend to the Commissioner for appropriate action cases and applications  
28 relative to:
  - 29 (1) Cancellation of alien certificates of registration by marriage; and
  - 30 (2) Issuance of alien certificates of registration to refugees;
- 31 (c) Issue subpoena in cases being heard by the BSI;
- 32 (d) In the exercise of its quasi-judicial power, cite and punish persons for contempt  
33 in accordance with the Rules of Court;

- 1 (e) Recommend to the Board the imposition, waiver or reduction of fees, fines,  
2 penalties and other charges, subject to existing laws, rules and regulations;
- 3 (f) Administer oaths in connection with the performance of their duties, as may be  
4 authorized by the Board;
- 5 (g) Promulgate rules and regulations governing matters within its assigned mandate  
6 subject to the approval of the Board; and
- 7 (h) Perform such other duties and functions as may be directed by the Commissioner  
8 or the Board of Commissioners.

9 **SEC. 21. *Proceedings Before the BSI.*** – The proceedings before the BSI shall be  
10 public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only  
11 members of the Philippine Bar in good standing may appear for and in behalf of any  
12 party before the BSI.

13 **SEC. 22. *Resolutions of the BSI.*** – Cases before the BSI shall be resolved within  
14 five (5) working days from the date the cases are submitted for resolution. The  
15 resolution of the BSI shall be submitted immediately to the Board for action.

16 **SEC. 23. *Creation of Positions; BSI.*** – The positions created under the BSI shall  
17 have the following classification and salary grades:

DESIGNATION <sup>21</sup>	POSITION <sup>24</sup>	SALARY GRADE
Chairperson <sup>22</sup>	Attorney V <sup>25</sup>	25
Members <sup>23</sup>	Attorney IV <sup>26</sup>	23

27

28 **CHAPTER 7**

29 **DIVISIONS AND OTHER OPERATING OFFICES OF THE BUREAU**

30 **SEC. 24. *Divisions and Other Operating Offices of the Bureau.*** – The Bureau  
31 shall have the following Divisions and other operating offices, namely:

32 (A) DIVISIONS:

- 33 (1) Administrative;
- 34 (2) Alien Registration;
- 35 (3) Finance and Logistics;
- 36 (4) Human Resource Management and Development;
- 37 (5) Immigration Regulation;
- 38 (6) Information and Communications Technology;
- 39 (7) Intelligence;

1 (8) Law Enforcement;

2 (9) Legal Affairs;

3 (10) Operations; and

4 (11) Planning and Research

5 (B) FIELD OFFICES that shall be created by the Board of Commissioners according  
6 to political or administrative regions.

7 (C) DISTRICTS:

8 (1) Major Airports; and

9 (2) Seaports.

10 **SEC. 25. *Heads of the Divisions and Other Operating Units.*** – Each Division shall  
11 be headed by a Division Chief with a Salary Grade of 25: *Provided,* That the Chief for  
12 Legal Affairs shall be a member of the Philippine Bar in good standing and must have  
13 been engaged In the practice of law for at least three (3) years, and that the Chief for  
14 Finance and Logistics shall be a Certified Public Accountant in good standing for at  
15 least three (3) years.

16 The Regional Offices shall be headed by a Supervising Immigration Officer with  
17 a Salary Grade of 23, while the District and Field Offices shall be headed by a Senior  
18 Immigration Officer with a Salary Grade of 20.

19 No person shall be appointed as Chief of any of the Divisions enumerated in  
20 Section 24 (A) of this Act unless such person meets the qualification standards set by  
21 the Bureau and approved by the Civil Service Commission (CSC).

22 **SEC. 26. *Organizational Structure, Duties and Functions of the Divisions,***  
23 ***Regional Offices, Districts, Field Offices and Other Operating Offices.*** – Subject to the  
24 approval by the DBM, the Board shall determine the organizational structure of the  
25 different Divisions and other operating offices of the Bureau to ensure the effective  
26 performance of their respective mandates.

27 **SEC. 27. *Chief Administrative Officer.*** – The Chief Administrative Officer shall  
28 perform the following duties:

29 (a) Develop and implement an administrative support strategy for the Bureau;

30 (b) Coordinate all administrative functions of the Bureau;

31 (c) Monitor and evaluate all policies and programs of the Bureau, and recommend  
32 to the Board of Commissioners such policies, programs and measures for the  
33 effective and efficient administrative functions of the Bureau; and

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

1           **SEC. 28. Chief Alien Registration Officer.** – The Chief Alien Registration Officer  
2 shall perform the following duties:

- 3           (a) Formulate plans and policies for the implementation of the Alien Registration  
4           Program;
- 5           (b) Establish and implement measures for the effective registration, monitoring and  
6           accounting of aliens, including the collection and safekeeping of biometric data  
7           of all aliens pursuant to this Act and other laws, rules and regulations;
- 8           (c) Monitor and evaluate all policies, programs and measures relative to alien  
9           registration, and recommend to the Board of Commissioners such measures to  
10          improve the system of alien registration; and
- 11          (d) Perform such other tasks as may be directed by the Commissioner.

12           **SEC. 29. Chief Finance and Logistics Officer.** – The Chief Finance and Logistics  
13 Officer shall perform the following duties:

- 14          (a) Formulate and supervise the implementation of policies pertaining to  
15          procurement, fiscal management, auditing and accounting in support of the  
16          overall plan and strategic direction of the Bureau;
- 17          (b) Direct and manage all the procurement activities of the Bureau;
- 18          (c) Implement sound fiscal policy;
- 19          (d) Supervise the preparation of the Annual Procurement Plan;
- 20          (e) Initiate projects in the furtherance of the improvement of the Bureau;
- 21          (f) Set performance targets for the Bureau in order to meet its objectives, plans and  
22          programs; and
- 23          (g) Perform such other tasks as may be directed by the Commissioner.

24           **SEC. 30. Chief Human Resource Management Officer and Development Officer.**  
25 – The Chief Human Resource Management Officer shall perform the following duties:

- 26          (a) Develop and execute human resource strategies in support of the overall plan and  
27          strategic direction of the Bureau especially in the areas of selection, hiring and  
28          promotion;
- 29          (b) Design employee training modules;
- 30          (c) Develop comprehensive strategic recruiting and retention plans to meet the  
31          human capital of strategic goals;
- 32          (d) Set qualification standards and implement competency-based hiring and  
33          promotion policies;
- 34          (e) Oversee the recruitment, selection and promotion of employees of the Bureau;

- 1 (f) Set performance standards for the employees of the Bureau in order to meet its  
2 objectives, plans and programs; and
- 3 (g) Prepare and implement schemes to strengthen the relationship between  
4 management and employees.

5 **SEC. 31.** *Chief Immigration Regulation Officer.* – The Chief Immigration  
6 Regulation Officer shall perform the following duties:

- 7 (a) Enforce immigration laws relating to the admission of aliens on primary  
8 inspection, as well as their exclusion, deportation and repatriation; sojourn, and  
9 those relating to administrative penalties against commercial sea vessels;
- 10 (b) Formulate plans and programs for the effective enforcement of immigration laws  
11 relating to the admission, sojourn and exit of aliens;
- 12 (c) Establish policies for the effective surveillance, monitoring, and supervision of all  
13 Bay Service Operations of all commercial vessels while in Philippine territory;
- 14 (d) Oversee and supervise all Regional, District and Field Offices, and Border  
15 Crossing Checkpoints;
- 16 (e) Maintain administrative control over aliens admitted for limited periods by  
17 enforcing and implementing temporary visitors' visa extension policies for aliens;
- 18 (f) Assist the Commissioner in administering issuances of student visas, permits and  
19 other orders related thereto;
- 20 (g) Assist the Commissioner in the preparation of all orders pertaining to  
21 downgrading of visas, transfer, amendment, and correction of admission;
- 22 (h) Represent the Bureau in the enforcement of the RP-Indonesian Agreement the  
23 RP-Malaysian Anti-Smuggling Agreement, and other subsequent similar  
24 agreements; and
- 25 (i) Perform such other tasks as may be directed by the Commissioner.

26 **SEC. 32.** *Chief Information and Communications Technology Officer.* – The Chief  
27 Information and Communications Technology Officer shall perform the following  
28 duties:

29 Formulate policies, plans and programs on management information systems,  
30 network, cybersecurity, and information and communications technology (ICT)  
31 resources of the Bureau;

- 32 (a) Supervise the implementation of all the information and communications  
33 technology projects of the Bureau;
- 34 (b) Review, evaluate and recommend for approval by the Commissioner the  
35 integration of all existing ICT systems of the Bureau;
- 36 (c) Initiate the conduct of ICT research, development and standardization; and



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

2 **SEC. 33. Chief Immigration Intelligence Officer.** – The Chief Immigration  
3 Intelligence Officer shall perform the following duties:

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

7 (b) Manage the conduct of intelligence and counter-intelligence activities of the  
8 Bureau;

9 (c) Serve as the linkage between foreign counterparts or embassies and the Bureau;

10 (d) Initiate development of intelligence training modules; and

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

12 **SEC. 34. Chief Immigration Law Enforcement Officer.** – The Chief Immigration  
13 Law Enforcement Officer shall perform the following duties:

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

16 (b) Exercise command, control, direction, coordination and supervision of all law  
17 enforcement activities of the Bureau, such as the deployment of personnel in the  
18 implementation of the following:

19 (i) Mission Orders, after determination of the existence of probable cause for  
20 purpose of deportation

21 (ii) Commitment or Release Orders

22 (iii) Warrants of Deportation

23 (iv) Orders to inspect the documents, premises and records of persons covered  
24 by this Act;

25 (c) Initiate the development of law enforcement training modules;

26 (d) Establish an effective monitoring tool for fugitives and undesirable foreigners; and

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

28 **SEC. 35. Chief Legal Affairs Officer.** – The Chief Legal Affairs Officer shall  
29 perform the following duties:

30 (a) Serve as the legal counsel of the Bureau, in coordination with the Office of the  
31 Solicitor General;

32 (b) Develop guidelines for the summary deportation of foreign nationals who are  
33 fugitives, overstaying, undocumented, or convicted of crimes involving moral  
34 turpitude or crimes where the penalty of deportation is imposed;

- 1 (c) Assign prosecutors for regular deportation proceedings;
- 2 (d) Implement deportation orders;
- 3 (e) Study contracts affecting the Bureau and submit recommendations to the Board
- 4 relative thereto;
- 5 (f) Render legal opinions on matters arising from the administration and operation of
- 6 the Bureau; and
- 7 (g) Perform such other tasks as may be directed by the Commissioner.

8 **SEC. 36. Chief Immigration Operations Officer.** – The Chief Immigration

9 Operations Officer shall perform the following duties:

- 10 (a) Formulate plans and programs for the effective and efficient immigration
- 11 operations in all international airports and seaports;
- 12 (b) Oversee and supervise the immigration operations in all international airports and
- 13 international seaports, including the conduct of arrival and departure formalities
- 14 consistent with this Act and other applicable laws, rules and regulations;
- 15 (c) Implement Blacklist Orders, Hold Departure Orders, Monitor Orders, Travel
- 16 Restriction Orders, Orders to Leave, Exclusion Orders, and other such order issued
- 17 by the Board or by the Commissioner;
- 18 (d) Ensure the compliance of all immigration personnel under the Operations Division
- 19 with the Bureau's Quality Management System (QMS);
- 20 (e) Monitor admitted foreign temporary visitors who were referred for secondary or
- 21 tertiary inspection;
- 22 (f) Initiate the development of immigration operations training modules; and
- 23 (g) Perform such other tasks as may be directed by the Commissioner.

24 **SEC. 37. Chief Planning and Research Officer.** – The Chief Planning and

25 Research Officer shall perform the following duties:

- 26 (a) Formulate and implement the Bureau's programs, projects and processes for
- 27 planning and research;
- 28 (b) Facilitate and organize strategic planning sessions for the entire Bureau;
- 29 (c) Conduct workload assessment and forecasting;
- 30 (d) Provide assistance to the Board in the implementation and establishment of a
- 31 risk management process;
- 32 (e) Implement a monitoring feedback measurement and evaluation system for the
- 33 implementation of all Bureau policies, projects and programs; and
- 34 (f) Represent the Board in meetings relating to planning and research.

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**CHAPTER 8**  
**IMMIGRATION OFFICERS**

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**SEC. 38. *Immigration Officers.*** – The Bureau shall employ an elite group of Immigration Officers who shall be assisted by Immigration Inspectors and Immigration Agents in the performance of their duties and functions. No person shall be appointed to the position of Immigration Officer, Immigration Inspector or Immigration Agent unless such person meets the qualification standards set by the Bureau and approved by the CSC.

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The following determinative factors shall be included in setting the qualification standards for each position:

- (a) Educational Attainment
- (b) Civil Service Eligibility
- (c) Relevant Experience
- (d) Training (Basic, Advanced or Executive)
- (e) Agility

**SEC. 39. *Powers and Functions of Immigration Officers.*** – The Immigration Officers shall have the following powers and functions:

- (a) Examine, with the assistance and advice of medical authorities in appropriate cases, foreign nationals at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;
- (b) Exclude foreign nationals not properly documented, and to admit foreign nationals complying with the applicable provisions of immigration and related laws;
- (c) Administer oaths in connection with the performance of their duties, as may be authorized by the Board;
- (d) Search for foreign nationals on any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to take into custody without warrant any foreign national who, in the presence or view of the Immigration Officer, is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;
- (e) Act as control personnel with authority to prevent the departure of passengers who do not comply with duly published departure requirements;
- (f) Detect and report violations of the immigration and alien registration laws and, in appropriate cases, take necessary actions upon the instructions of the Commissioner, including follow-up on the stay of non-immigrants to prevent overstaying;

- 1 (g) Detect and report subversive activities of aliens in the interest of national  
2 security;
- 3 (h) Investigate any case at the instance of the Commissioner and submit the  
4 required reports;
- 5 (i) Report on the activities of aliens inimical to national interest with a view to taking  
6 appropriate action in accordance with law;
- 7 (j) Locate and conduct surveillance against foreign nationals in violation of  
8 immigration laws, rules and regulations;
- 9 (k) Provide actionable operational, tactical and strategic intelligence to the operating  
10 units;
- 11 (l) Conduct case build up, analysis and other in-depth research, as well as provide  
12 analytical reports on foreign nationals who violate or are in violation of  
13 immigration laws, rules and regulations;
- 14 (m) Coordinate with other local and international law enforcement agencies in the  
15 gathering of intelligence information related to immigration law violations;
- 16 (n) Conduct counter-intelligence operations;
- 17 (o) Enforce lawful orders relating to the exclusion, deportation and repatriation of  
18 aliens;
- 19 (p) Take charge of the physical detention of aliens pending their exclusion,  
20 deportation or repatriation;
- 21 (q) Attend to the deportation of aliens;
- 22 (r) Monitor all arriving and departing suspected terrorists, drug couriers or members  
23 of crime syndicates;
- 24 (s) Assist and escort deportees, excluded passengers and transiting restricted  
25 passengers until finally boarded;
- 26 (t) Investigate and escort from ports of entry intercepted passengers who are found  
27 in possession of spurious travel documents;
- 28 (u) Implement Warrants of Deportation (WOD) and Mission Orders involving foreign  
29 nationals who violate or are in violation of immigration laws, rules and  
30 regulations; and
- 31 (v) Perform such other functions as may be assigned by the Commissioner from time  
32 to time.

33 Qualified Immigration Officers, Immigration Inspectors and Immigration Agents  
34 with the requisite training and experience may be assigned to the Intelligence, Law  
35 Enforcement, Alien Registration, Immigration Regulation, and Operations Divisions  
36 depending on the exigencies of the Bureau. The Board may, in the exigencies of

1 service, designate certain duties and responsibilities listed in this section to other  
2 officers and employees in the Intelligence or Law Enforcement Divisions in an acting  
3 capacity: *Provided*, That such designation shall not exceed a period of one (1) year.

4 **SEC. 40.** *Deployment of Immigration Personnel Abroad.* – Within ninety (90)  
5 days from the effectivity of this Act, the Department of Foreign Affairs (DFA) and the  
6 Bureau shall promulgate the implementing rules and regulations on the assignment  
7 and deployment of Immigration Officers to select consular posts abroad who shall,  
8 subject to the pertinent provisions of Republic Act No. 7157 or the "*Philippine Foreign*  
9 *Service Act of 1991*", perform immigration duties, except diplomatic and consular  
10 functions.

11  
12 **CHAPTER 9**  
13 **CAREER DEVELOPMENT PATTERN**

14 **SEC. 41.** *Career Development.* – The Bureau shall:

- 15 (a) Establish and strengthen the Philippine Immigration Academy which shall be  
16 under the control and supervision of the Commissioner;
- 17 (b) Create a continuing program to enhance the knowledge, skills and competence  
18 of all personnel through a career advancement training and education prior to  
19 their promotion; and
- 20 (c) Formulate training requirements to implement the provisions in this Title.

21  
22 **CHAPTER 10**  
23 **OTHER OFFICES**

24 **SEC. 42.** *Changes in the Composition, Distribution and Assignment of Regional,*  
25 *District and Field Offices.* – The Commissioner may make changes in the composition,  
26 distribution and assignment of regional, district and field offices, as well as its  
27 personnel, based on the demographics of foreign nationals and as the exigency of the  
28 service requires, subject to civil service rules and regulations.

29 **SEC. 43.** *Border Control Checkpoints.* – In addition to international airports and  
30 international seaports, there shall be established Border Control Checkpoints which  
31 shall be manned by Immigration Officers appointed as Border Control Officers by the  
32 Commissioner. The Border Control Checkpoints shall be placed in specific areas in the  
33 Philippines which shall be determined by the Board. Border Control Officers shall  
34 perform the following functions:

- 35 (a) Conduct immigration formalities to foreigners passing through their areas of  
36 responsibility;
- 37 (b) Enforce immigration laws, rules and regulations;

- 1 (c) Coordinate with other law enforcement agencies in the enforcement of  
2 immigration laws, rules, and regulations;
- 3 (d) Apprehend and take into custody illegal entrants; and
- 4 (e) Perform such other functions as may be directed by the Commissioner.

5 **TITLE III**  
6 **IMMIGRATION**

7 **CHAPTER 1**  
8 **NON-IMMIGRANTS**

9 **SEC. 44. Categories of Non-immigrants and Types of Visa Issued.** – Foreign  
10 nationals departing from any place outside the Philippines who are otherwise  
11 admissible and who qualify under any one of the following categories may be admitted  
12 as non-immigrants:

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

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

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

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

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

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

32 (d) *Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa):* Citizens from a country  
33 that has a trade treaty with the Philippines, including their family members, and  
34 who come to work in the Philippines for either a company they own or one that is  
35 at least fifty percent (50%) owned by nationals of their home country and which

1 company is engaged in substantial trade between the Philippines and their home  
2 country shall be granted a D-1 visa.

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

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

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

15 (i) Heads of State and/or Heads of Government and their personal  
16 representatives;

17 (ii) Members of reigning royal families from countries recognized by the  
18 Philippine Government;

19 (iii) Governors-General, Governors, and High Commissioners of dependent  
20 territories and their personal representatives;

21 (iv) Cabinet ministers and their deputies, and officials with cabinet rank of  
22 ministers;

23 (v) Presiding officers of national legislative bodies;

24 (vi) Justices or judges of the highest national judicial bodies;

25 (vii) Diplomats and career consular officials on foreign assignment in the  
26 Philippines;

27 (viii) Military, naval, air and other attaches assigned to a diplomatic mission;  
28 and

29 (ix) Accompanying spouses and unmarried dependents of foreigners within  
30 the abovementioned categories;

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

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

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

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

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

- 16                   (i) Diplomatic couriers regularly and professionally employed as such;
- 17                   (ii) All members of official special missions of a diplomatic character;
- 18                   (iii) Members of delegations proceeding to or from an international  
19 conference of a diplomatic or official nature; and
- 20                   (iv) Such other officials going to the Philippines on diplomatic or official  
21 missions;

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

25                   All visas under enumerated in Section 44(e) of this Act shall be exclusively issued  
26 and renewed by the DFA, which shall also determine the type of E-Visa of Foreign  
27 Government Officials not identified in the foregoing lists. The grant of immunities and  
28 privileges shall be subject to applicable domestic and international law and  
29 international agreements to which the Philippines is a party, as well as in consideration  
30 of the principle of reciprocity.

- 31                   (f) *Students (F Visa):* International students who can demonstrate means sufficient  
32 for their support and education in the Philippines who seek to enter the Philippines  
33 temporarily for the primary purpose of studying or taking partial studies in eligible  
34 courses or degree programs in a university, seminary, academy or college  
35 recognized to offer such higher education programs by CHED and other authorities  
36 pursuant to law and accredited to admit such international students by the CHED



1 in coordination with BI. The international student's area of study may relate to the  
2 following fields/scope:

- 3 (1) Full-degree
- 4 (2) Exchange or short-term mobility
- 5 (3) Internship/co-op education
- 6 (4) Certificates/diploma/qualifications
- 7 (5) Immersion/service learning/social engagement
- 8 (6) Research and/or graduate studies
- 9 (7) Study, work, holiday pursuant to trade agreements
- 10 (8) Cultural exchange
- 11 (9) Language training program

12 (10) Such other education or training-related activities undertaken pursuant to  
13 acquiring certification, diploma, credit recognition, degree or qualification.

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

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

25 (i) *Representatives of Accredited International Organizations and Government*  
26 *Agencies (I Visa)*: Foreign officials and staff of accredited international  
27 organizations, including their dependent family members, staff, and household  
28 members shall be granted I Visas divided into four (4) types, namely:

29 (1) *Persons eligible for I-1 Visa*: The I-1 Visa shall be issued to the principal  
30 officials of accredited international organizations, as well as their  
31 accompanying spouses and dependents;

32 (2) *Persons eligible for I-2 Visa*: The I-2 visa shall be issued to the other officials  
33 and staff of accredited international organizations, as well as their  
34 accompanying spouses and dependents;

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

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

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

14 All types of visas under Section 44(i) of this Act shall be exclusively issued and  
15 renewed by the DFA, which shall also determine the type of I Visa of officials and staff  
16 of international organizations that are not identified in the foregoing list. The grant of  
17 immunities and privileges shall be subject to applicable domestic and international  
18 law, relevant Headquarters Agreements, and international agreements to which the  
19 Philippines is a party.

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

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

30 (l) *Refugees (L-1 Visa) and Stateless Persons (L-2 Visa):* Refugees as defined in this  
31 Act and in the 1951 Convention Relating to the Status of Refugees and its 1967  
32 Protocol shall be Issued L-1 Visas. Stateless persons, whose admission for  
33 humanitarian reasons and not inimical to public interest has been approved by the  
34 Secretary of Justice or the President in such cases and under such conditions as  
35 they may prescribe, shall be issued L-2 Visas;

36 (m) *Bridging Visa (M Visa):* A temporary visa which allows a foreign national to stay in  
37 the Philippines after the expiration of the current visa, other than temporary visitor  
38 visa under Section 44(a), and while an application for adjustment of status is being  
39 processed.

1 (n) *Startup Visa (N Visa)*: Visa issued by the DFA pursuant to Sec. 13, Chapter 3 of  
2 Republic Act No. 11337, otherwise known as the "Innovative Startup Act", which  
3 includes the Startup Owner Visa (N-1 Visa), Startup Employee Visa (N-2 Visa) and  
4 Startup Investor Visa (N-3 Visa)

5 (o) *Special Non-Immigrants (O Visas)*: Such other foreign nationals including their  
6 family members who may be admitted as non-immigrants under special laws or  
7 foreign nationals not otherwise provided for by this Act who are coming for  
8 temporary periods only, and whose admission is authorized by the Board or the  
9 President in the interest of the public or for humanitarian considerations and under  
10 such conditions as may be prescribed.

11 All other agencies and offices other than the DFA authorized to issue visas in  
12 accordance with existing laws shall be subject to reportorial requirements as  
13 prescribed by the Board. The Board shall likewise prescribe penalties for violations  
14 thereof.

15  
16 **CHAPTER 2**  
17 **IMMIGRANTS**

18 **SEC. 45. *Quota Immigrants.*** – Subject to the conditions set forth in this Act,  
19 there may be admitted into the Philippines, immigrants, otherwise known as "quota  
20 immigrants" not to exceed two hundred (200) of any one nationality for any one  
21 calendar year, based on immigration reciprocity and upon allotment by the  
22 Commissioner of the corresponding quota number. In the allotment of quota numbers,  
23 the following order of preference shall be observed:

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

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

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

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

36 **SEC. 46. *Allotment of Quota.*** – The Commissioner shall, with respect to the first  
37 preference, allot not more than fifty percent (50%) of the annual quota allotment up  
38 to the end of June of each year: Provided, That if the fifty percent (50%) allotment

1 for one nationality is not utilized by the first preference, the balance thereof shall be  
2 given to the second, third, and fourth preferences for the same nationality in  
3 accordance with the preceding Section. Any unused quota allotment for a calendar  
4 year shall not be carried over and utilized for the ensuing calendar year.

5 **SEC. 47. Basis in Determination of Quota Allotment.** – The nationality of  
6 immigrants whose admission is subject to the numerical limitation imposed by Section  
7 45 of this Act shall be that of the country of which the immigrant is a national or a  
8 citizen. The nationality of immigrants possessing dual nationality may be that of either  
9 of the two countries regarding them as a national or citizen if they apply for a visa in  
10 a third country. If such immigrants apply for a visa within one of the two countries  
11 regarding them as a national or citizen, their nationality shall be that of the country in  
12 which they filed their application for a visa to enter the Philippines.

13 **SEC. 48. Non-Quota Immigrants.** – The following immigrants, known as "*non-*  
14 *quota immigrants*", may be admitted without regard to numerical limitation and  
15 immigration reciprocity:

- 16 (a) The spouse of a Philippine citizen: Provided, That abandonment by the foreign  
17 spouse, the failure to give support by the foreign spouse to the Filipino spouse  
18 and family, and the legal separation or termination of the marital status by  
19 annulment, declaration of nullity of marriage or divorce where the cause is  
20 attributable to the foreign spouse, shall constitute grounds for cancellation of the  
21 immigrant visa issued to the foreign spouse;
- 22 (b) A person of Filipino descent regardless of generation;
- 23 (c) A child born to a foreigner mother during her temporary visit abroad, the mother  
24 being a lawful permanent resident of the Philippines, if accompanied by or  
25 coming to join the mother who applies for admission within five (5) years from  
26 the birth of the child;
- 27 (d) A child born subsequent to the issuance of an immigrant visa to the  
28 accompanying parent, the visa not having expired or revoked;
- 29 (e) A foreign national who had been previously lawfully admitted into the Philippines  
30 for permanent residence who is returning from a temporary visit abroad to an  
31 unrelinquished residence in the Philippines;
- 32 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country and  
33 is returning to the Philippines for permanent residence therein, including the  
34 spouse and minor children accompanying or following to join such person; and
- 35 (g) Spouse, parent, children, legitimate siblings of a foreign national who is gainfully  
36 employed and holder of a permanent resident status for a period of seven (7)  
37 years.

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**CHAPTER 3**  
**NATIVE-BORN FOREIGN NATIONAL**

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**SEC. 49.** *Status of Children Born to Immigrants.* – A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident.

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**SEC. 50.** *Status of Children Born to Non-immigrants.* – A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless the child reaches the age of eighteen (18) years while continuously residing in the Philippines, in which case such child may apply for naturalization under existing laws or for an appropriate visa.

**CHAPTER 4**  
**ADJUSTMENT OF STATUS**

**SEC. 51.** *Conditions for Adjustment of Status of Foreign Nationals.* – The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board to that of a foreigner lawfully admitted as a permanent resident if:

- (a) the foreigner makes an application for such adjustment;
- (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines as a permanent resident; and
- (c) a quota immigrant visa is immediately available to the foreign national at the time of application, without the need of first departing from the Philippines.

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

**SEC. 52.** *Effect of Approval on Application for Adjustment.* – Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission as a permanent resident as of the date of the approval of the application and shall be included as part of the quota for the calendar year in accordance with Section 45 of this Act.

**SEC. 53.** *Adjustment of Status, When Not Allowed.* – Adjustment of status under this Act shall not be applicable to:

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

1           **SEC. 54.** *Loss of Status.* – A registered foreign national, except a temporary  
2 visitor, who fails to return to the Philippines within a period of one (1) year from  
3 departure shall lose the status granted under this Act. Such foreign national may apply  
4 for an extension of the period within which to return prior to its expiration and pay  
5 the prescribed fees and charges in order to maintain the status or type of visa granted.  
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7                                   **CHAPTER 5**  
8                                   **DOCUMENTATION AND ADMISSON OF NON-IMMIGRANTS**

9           **SEC. 55.** *Documentary Requirements of Non-immigrants.* – Non-immigrants  
10 must present for admission into the Philippines valid passports issued by the  
11 governments of the countries to which they owe allegiance or other travel documents  
12 showing their nationality and identity as prescribed by regulations, a valid visa granted  
13 by the Consular Officer, if required, and such other relevant documents as may be  
14 required under existing laws, rules, regulations, or multilateral or bilateral agreements.

15           **SEC. 56.** *Conditions and Period of Authorized Stay of Temporary Visitors.* – The  
16 initial period of authorized stay of a foreign national admitted as a temporary visitor  
17 under Section 44(a) of this Act shall not exceed fifty-nine (59) calendar days from the  
18 date of arrival, subject to bilateral, regional and multilateral visa agreements entered  
19 into by the Philippines: *Provided,* That the conditions for extensions and total period  
20 of authorized stay shall be prescribed by the Commissioner: *Provided, further,* That  
21 during the foreign national's authorized stay, such foreign national: (a) shall not take  
22 any employment, whether paid or unpaid; (b) shall not establish or join in any  
23 business; and (c) shall not enroll or become a student at a school, college, university,  
24 academy, or other educational institution, unless granted, upon proper application, a  
25 conversion to another immigration status provided under this Act.

26           **SEC. 57.** *Conditions for Issuance of Pre-Arranged Employment Visas.* – A foreign  
27 national who is coming to the Philippines for prearranged employment shall not be  
28 issued a non-immigrant visa referred to in Section 44(g) of this Act until the Consular  
29 Officer shall have received authorization for the issuance of the same. Such  
30 authorization shall be given only upon the filing of a petition with the Board  
31 establishing, among others, that no person can be found in the Philippines willing and  
32 competent to perform the work or service for which the foreigner is desired and that  
33 the admission would be beneficial to the public Interest. The petition shall be under  
34 oath by the prospective employer or the latter's representative in the form and manner  
35 prescribed by the Board.

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



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

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5 **CHAPTER 7**  
6 **VISA ISSUANCE**

7 **SEC. 62. *Nature of Visa.*** – Nothing in this Act shall be construed to automatically  
8 entitle any foreign national, to whom a visa or other travel document has been issued,  
9 to enter the Philippines if, upon arrival at a port of entry, such foreign national is found  
10 to be inadmissible under this Act or any other law.

11 **SEC. 63. *Visa Policy.*** – The policies governing the issuance, extension, renewal  
12 and conversion of visas referred to in this Act shall be formulated by the Bureau and  
13 the DFA when appropriate, in consultation with concerned government agencies and  
14 offices.

15 **SEC. 64. *Visa Issuance Abroad.*** – All visas issuances abroad shall be done by  
16 Consular Officers assigned at Philippine Foreign Service posts in the following manner:

- 17 (a) Upon approval by the Commissioner and recommendation by a Consular Officer,  
18 a quota immigrant visa may only be issued to a foreign national who has made  
19 a proper application therefor, which shall specify the nationality to which the  
20 quota number is assigned, the immigrant's particular status in such country, the  
21 preference to which the foreign national is classified, the date on which the  
22 validity of the visa shall expire, and such additional information as may be  
23 required; and  
24 (b) The DFA, through its Consular Offices abroad or the Office of the Visa Director,  
25 shall approve the issuance of non-quota immigrant and non-immigrant visas to  
26 a foreign national who has made a proper application therefor.

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

30 **SEC. 65. *Requirements for Physical and Mental Examination Prior to Issuance***  
31 ***of Immigrant Visa.*** – Prior to the issuance of an immigrant visa to any foreign national,  
32 the Consular Officer shall require such person to submit to a physical and mental  
33 examination in accordance with such regulations as may be prescribed by the  
34 Commissioner.

35 **SEC. 66. *Visa Validity Period.*** – A single-entry non-immigrant or immigrant visa  
36 issued by a Consular Officer abroad pursuant to Section 64 of this Act shall be valid  
37 for a period not exceeding three (3) months: *Provided,* That in prescribing the validity  
38 period of a single-entry non-immigrant visa, the Consular Officer may allow a longer



1 validity period based on reciprocity as accorded by the foreign country to citizens of  
2 the Philippines who are within a similar class.

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

9 **SEC. 67. Denial of Visa; Grounds.** – The Consular Officer may deny the  
10 application for visa if it appears from the statements in the application or in the  
11 documents submitted that the applicant is not eligible for a visa under this Act, or if  
12 the applicant fails to comply with the requirements of any of the provisions of this Act.

13 **SEC. 68. Revocation of Visa Issued by Consular Officer.** – The Commissioner  
14 may, for valid cause and upon confirmation by the DFA, revoke a visa issued by any  
15 Consular Officer. If the notice of revocation is not received and the visa holder applies  
16 for admission into the Philippines, the admission or entry of the foreign national shall  
17 be determined by the Immigration Officer upon arrival at the port of entry.

18  
19 **CHAPTER 3**  
20 **RE-ENTRY AND EMIGRATION CLEARANCE**

21 **SEC. 69. Re-entry.** – In all instances when a registered foreign national, except  
22 a temporary visitor, departs or is about to depart temporarily from the Philippines with  
23 the 5 intention to return within one (1) year from departure, the foreign national must  
24 secure a re-entry permit or, if the authorized stay is less than one (1) year, a Special  
25 Return Certificate, and pay the corresponding fees and charges therefor.

26 **SEC. 70. Emigration Clearance.** – A registered foreign national who departs  
27 permanently from the Philippines shall surrender all Philippine immigration documents  
28 and apply for and be issued an Emigration Clearance Certificate, subject to the  
29 following conditions:

- 30 (a) The immigrant has no pending obligation with the government or any of its  
31 agencies or instrumentalities;
- 32 (b) The immigrant has no pending criminal, civil, or administrative proceeding which  
33 requires continued presence in the country; and
- 34 (c) There is no ongoing legislative inquiry where the immigrant is called upon to  
35 testify as a witness.

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

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**CHAPTER 9**  
**PRESIDENTIAL PREROGATIVES**

**SEC. 71. *Presidential Prerogatives.*** – Any provision of this Act to the contrary notwithstanding, the President may:

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

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**TITLE IV**  
**PROVISIONS RELATING TO ENTRY**

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**CHAPTER 1**  
**CLASSIFICATION OF PORTS OF ENTRY**

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**SEC. 72. *Authority to Classify Ports.*** – The Commissioner shall classify and designate, from among the ports of entry established by law for immigration purposes, limited or unlimited ports of entry through which foreign nationals may be admitted into the Philippines. Only such classes of foreign nationals as provided under the rules and regulations prescribed by the Commissioner may be admitted at limited ports of entry. The Commissioner may, after due notice to the public, close designated ports of entry in the interest of national security or public safety.

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**CHAPTER 2**  
**PROCEDURES ON ARRIVAL**

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**SEC. 73. *Inspection by Immigration Personnel.*** – A foreign national seeking admission or readmission shall present a valid passport and visa, if required, to the Immigration Officer at the port of entry and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreigner, may be challenged by another Immigration Officer on any ground provided in this Act. The final determination on the admissibility of such foreign national shall be determined by the Commissioner within forty-eight (48) hours in case no resolution is reached between the Immigration Officers on the challenged admission. In case of admission, the Immigration Officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

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**SEC. 74. *Detention or Quarantine for Examination.*** – For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act by reason of being afflicted with any of the contagious or communicable disease or mental disorder as set forth under Section 84(a) of this Act or whenever the Commissioner has received information showing that foreigners are coming from a country or a place where any of such diseases are prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

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**SEC. 75. *Medical Examination Requirement.*** – Any arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 84(a) of this Act shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify the findings of the examination for the information of the Immigration Officer.

**SEC. 76. *Arrival Notice Requirements of Vessel.*** – The immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any area in the Philippines from any place outside thereof. Such prior notice shall not be required in the case of vessels with scheduled arrivals filed with the Immigration Officer in charge at the international port of entry.

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

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**CHAPTER 3**  
**FOREIGN CREWMEMBER**

**SEC. 77. *Conditional Permit to Disembark.*** – A foreign crewmember of a vessel under Section 44(c) of this Act may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which such crewmember arrived while the vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

**SEC. 78. *Confiscation and Cancellation of Permit; Deportation from the Philippines.*** – Upon the determination that the foreign national is not a bona fide crewmember or does not intend to depart on the vessel that brought him, the Commissioner shall cancel and confiscate the conditional permit already issued, take such foreign national into custody, and require the owner, operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived to receive and detain the foreigner on board. The expenses for removal of the foreign national, including the cost of detention and other expenses incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

**SEC. 79. *Liability for Overstaying Foreign Crewmen.*** – A foreign crewmember who remains in the Philippines in excess of the period allowed in the conditional permit issued shall be solidarily liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed in Section 125 of this Act.

**SEC. 80. *Liability for Unauthorized Discharge of Foreign Crewmember.*** – It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel to discharge any foreign crewmember employed by a vessel arriving in the Philippines and while in port, without first obtaining the prior permission of the Commissioner. Otherwise, such person or owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay such fines as may be prescribed under this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided,* That a clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

**SEC. 81. *Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*** – The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the Immigration Officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreign nationals and any information that shall result in their apprehension.

**SEC. 82. *Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed Foreign Crewmember.*** – Prior to the departure of any vessel from the last port in the Philippines destined to any place outside thereof, the owner,

1 operator, captain, master, pilot, agent or consignee thereof shall deliver to the  
2 Immigration Officer at that port a list containing:

- 3 (a) The names of crewmembers who were not employed thereon at the time of the  
4 vessel's arrival on such port but will depart thereat on the same vessel;
- 5 (b) The names of those who have been discharged, if any;
- 6 (c) The names of those who have deserted or illegally landed at that port, if any;  
7 and
- 8 (d) Such other additional information as the Commissioner deems necessary.

9 **SEC. 83. *Liability for Failure to Submit Complete, True and Correct Report.*** –  
10 The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a  
11 true and complete list or report of foreign nationals or to report cases of desertion or  
12 illegal landing shall pay such sum as may be prescribed under Section 121 of this Act.  
13 No vessel shall be granted clearance from any port in the Philippines while such fines  
14 remain unpaid or while the validity thereof is being determined: *Provided*, that  
15 clearance may be granted prior to such determination upon deposit of a sum or cash  
16 bond sufficient to cover such fines as approved by the Commissioner.

17  
18 **CHAPTER 4**  
19 **EXCLUSIONS**

20 **SEC. 84. *Exclusion Grounds.*** – The following classes of foreign national shall not  
21 be allowed entry and shall be excluded from the Philippines:

22 (a) Health Related Grounds

- 23 (1) Those who are found to be suffering from a communicable, dangerous or  
24 contagious disease, unless excepted under existing laws, rules and  
25 regulations;
- 26 (2) Those who are found to be suffering from mental disorder or associated  
27 behavior that may pose a threat to persons or danger to property;
- 28 (3) Those who are found to be suffering from addiction to prohibited or  
29 regulated substance;

30 (b) Economic Grounds

- 31 (1) Those likely to become a public charge;
- 32 (2) Those seeking entry for the purpose of performing skilled or unskilled labor,  
33 without a permit from the Secretary of the Department of Labor and  
34 Employment as required by law;

35 (c) Moral Grounds

- 1 (1) Those coming to the Philippines to practice polygamy or who advocate the  
2 practice of polygamy unless the person's religion allows such practices;
- 3 (2) Those who are pedophiles, sexual perverts or those coming to the  
4 Philippines for immoral purposes;
- 5 (3) Those who are engaged or who seek to engage in prostitution or to procure  
6 or attempt to procure prostitutes, or who receives in whole or in part the  
7 proceeds of prostitution;
- 8 (4) Those who, at the time of primary inspection by the Immigration Officer,  
9 exhibit any contemptuous or disrespectful behavior towards the said officer  
10 or any government official or employee of the Bureau;

11 (d) Criminal and Security Grounds

- 12 (1) Those who have been convicted of a crime involving moral turpitude or  
13 who admit to the Immigration Officer having committed such crime, or who  
14 attempt and conspire to commit the crime;
- 15 (2) Those who have been convicted, or who admit having committed, or are  
16 committing acts which constitute the elements of a violation or conspiracy  
17 to violate any law or regulation of the Philippines or a foreign country  
18 relating to a controlled, regulated or prohibited substance, or who admit  
19 having attempted or conspired to commit the crime;
- 20 (3) Those that the Philippine Government knows or has reason to believe is a  
21 trafficker of any controlled, regulated or prohibited substance or knows or  
22 has reason to believe is or has been an accomplice, accessory, abettor, or  
23 co-conspirator in the illicit trafficking of any controlled, regulated or  
24 prohibited substance;
- 25 (4) Those who are fugitives from justice;
- 26 (5) Those who seek to enter the Philippines to engage in:
  - 27 (i) espionage or sabotage, or a violation or evasion of any laws  
28 prohibiting export of goods, technology or sensitive information;
  - 29 (ii) any activity aimed to promote membership in an organization of  
30 syndicated criminal activities;
  - 31 (iii) any activity, the purpose of which is to overthrow the Philippine  
32 government by force, violence or other unlawful means; and
  - 33 (iv) any other unlawful activity;
- 34 (6) Those who are engaged or believed to be engaged or likely to engage in,  
35 aid, abet or finance any terrorist activity and members or representatives  
36 of a foreign terrorist organization;
- 37 (7) Those who have been identified by competent authorities, local or foreign,  
38 as having engaged or are engaging in human trafficking and smuggling;

1 (8) Those who are under fifteen (15) years of age and unaccompanied by or  
2 not coming to a parent, except that they may be admitted at the discretion  
3 of the Commissioner, if otherwise admissible: Provided, That they present  
4 a written consent to travel from either parent citing the purpose thereof  
5 and affirmed by a Consular Officer; and

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

9 **SEC. 85. *Temporary Custody of Excludable Foreign Nationals.*** – For the purpose  
10 of ascertaining whether a foreign national arriving in the Philippines belongs to any of  
11 the excludable classes of foreign national provided in this Act or related laws, the  
12 Immigration Officer, for a period not exceeding seventy-two (72) hours, may  
13 temporarily take into custody for investigation such foreign national either on board  
14 the vessel or at a place designated for the purpose at the expense of the master,  
15 captain, agent, owner or consignee of the carrying vessel.

16 **SEC. 86. *Finality of Exclusion Order.*** – An order by the Immigration Officer to  
17 exclude a foreign national who is excludable under this Act is final and executory  
18 unless revoked by the Commissioner upon a timely appeal prior to the implementation  
19 of the exclusion order.

20 **SEC. 87. *Authority to Waive Grounds for Exclusion.*** – Except for grounds of -  
21 exclusion under Section 84(d), subparagraphs 1 to 7 and 9, the Commissioner may  
22 waive any of the grounds for exclusion mentioned in Section 84 of this Act.

23 **SEC. 88. *Procedure of Removal and Cost Thereof.*** – Foreign nationals arriving  
24 in the Philippines who are ordered excluded shall be immediately removed in the same  
25 accommodation to the country where they boarded the vessel on which they arrived,  
26 unless the Commissioner determines that immediate removal is not proper and  
27 practicable, in which case such excluded foreign nationals shall be ordered detained.  
28 The cost of detention and other expenses incidental thereto shall be borne by the  
29 owner, operator, master, pilot, captain, agent or consignee of the vessel on which  
30 such foreigners arrived.

31 **SEC. 89. *Country Where Removal is to be Directed.*** – If the government of the  
32 country designated in the preceding section will not accept the foreign national into  
33 its territory, the removal of the foreign national shall be directed, at the  
34 Commissioner's discretion to any of the following:

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

36 (b) The country of birth;

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

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

3 **SEC. 90. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or***  
4 ***Consignee.*** – It shall be unlawful for an owner, operator, master, captain, pilot, agent,  
5 or consignee of a vessel to refuse or fail to:

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

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

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

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

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

17 **SEC. 91. *Penalty for Non-compliance of Obligation.*** – The owner, operator,  
18 master, captain, pilot, agent, or consignee of a vessel who violates Section 90 of this  
19 Act shall pay the fines prescribed in Section 122 of this Act. No vessel shall be granted  
20 clearance from any port in the Philippines while such fines remain unpaid or while the  
21 validity thereof is being determined: *Provided,* That clearance may be granted prior  
22 to such determination upon deposit of a sum or cash bond sufficient to cover such  
23 fines as approved by the Commissioner.

24  
25 **TITLE V**  
26 **DEPORTATION**

27 **CHAPTER 1**  
28 **DEPORTABLE FOREIGN NATIONALS**

29 **SEC. 92. *Classes of Deportable Foreign Nationals.*** – The following foreign  
30 nationals shall be taken into custody upon the order of the Commissioner and deported  
31 upon recommendation by the BSI and approval by the Board:

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

35 (b) Those who were not lawfully admissible at the time of entry;



- 1 (c) Those who abet or aid in the practice of prostitution, including the owner or  
2 manager of a prostitution den, or who are pedophiles;
- 3 (d) Those who, at any time after the date of entry, have become a public charge;
- 4 (e) Those who remain in the Philippines in violation of any period of limitation or  
5 condition under which they were admitted;
- 6 (f) Those who believe in, advise, advocate or teach the overthrowing by force and  
7 violence the Government of the Republic of the Philippines or any duly  
8 constituted authority, or those who do not believe in or are opposed to organized  
9 governments, or those who advise, advocate or teach the assault or  
10 assassination of public officials, or those who advise, advocate or teach the  
11 unlawful destruction of property, or those who are members of or affiliated with  
12 any organization entertaining, advocating or teaching such doctrines, or those  
13 who in any manner whatsoever extend assistance, financial or otherwise, in the  
14 dissemination of such doctrines;
- 15 (g) Those who, at any time after entry, engage in, abet, aid or finance any terrorist  
16 activity;
- 17 (h) Those who, at any time after entry, are charged of a crime involving acts or  
18 omissions punishable under Philippine penal laws cognizable by the Regional  
19 Trial Courts and the Sandiganbayan;
- 20 (i) Those who, at any time after entry, are convicted by final judgment of a crime  
21 involving moral turpitude punishable under Philippine penal laws;
- 22 (j) Those who were admitted as non-immigrants and who obtained an adjustment  
23 of their admission status for convenience, or through fraud, falsification of  
24 documents, misrepresentations or concealment of material facts;
- 25 (k) Those who violated Philippine labor and taxation laws, rules and regulations;
- 26 (l) Those who are found to be undesirable and whose further stay in the Philippines  
27 is inimical to public welfare and interest, or the dignity of the Filipinos, or the  
28 Republic of the Philippines as a sovereign nation;
- 29 (m) Those who forge, counterfeit, alter or falsely make any document; or use,  
30 attempt to use, possess, obtain, accept or receive or provide any forged,  
31 counterfeit, altered or falsely made document; or use, attempt to use, provide,  
32 attempt to provide, accept or receive a genuine document, even of another  
33 person, without authority to do so for the purpose of satisfying or complying with  
34 the requirements of the Bureau;
- 35 (n) Those whose presence or activities in the country may result in adverse  
36 consequences to Philippine foreign policies as determined by the Secretary of  
37 Foreign Affairs;

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

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

8 **SEC. 93. *Non-Prescription of Deportation Cases.*** – The right of the State to  
9 initiate deportation proceedings shall not prescribe.

10 **SEC. 94. *Nature of Deportation Proceedings.*** – Deportation proceedings shall be  
11 independent of any action that may be instituted against a foreign national: *Provided*,  
12 That no deportation orders shall be issued against foreign nationals facing preliminary  
13 investigation, prosecution and trial before competent authorities.

14  
15 **CHAPTER 2**  
16 **DEPORTATION OF FOREIGN NATIONALS**

17 **SEC. 95. *Formal Charge of Deportation.*** – A formal charge for deportation shall  
18 be issued upon determination of the existence of a prima facie case against the foreign  
19 national.

20 **SEC. 96. *Bail.*** – Pending final determination of the foreign national's deportation  
21 case, the foreign national shall, upon the discretion of the Commissioner, remain under  
22 detention or be released on bail or recognizance. The bail may be revoked and  
23 confiscated in favor of the government if there is sufficient evidence that the foreign  
24 national is evading the proceedings or is attempting to abscond, in which case such  
25 foreign national shall be taken into custody and placed under detention by order of  
26 the Commissioner.

27 **SEC. 97. *Custody of a Foreign National Convicted of a Felony or an Offense.*** –  
28 After service of the sentence or compliance with the conditions of parole or probation,  
29 as the case may be, the foreign national shall be taken into custody for immediate  
30 deportation by order of the Board.

31 **SEC. 98. *Voluntary Deportation, When Authorized.*** – The Commissioner may  
32 waive the deportation proceedings and order the departure of the foreign national  
33 within the period specified in the voluntary deportation order if the foreign national  
34 does not contest the formal charge and opts to voluntarily leave the country and pays  
35 for all expenses: *Provided*, That the foreign national has not committed any criminal  
36 offense or has no pending criminal investigation: *Provided, further*, That the said  
37 foreign national so deported shall be barred from re-entering the country without prior  
38 written authorization from the Commissioner.

1           **SEC. 99. *Period to Enforce Order of Deportation.*** – The order of deportation  
2 shall be enforced immediately but in no case shall exceed three (3) months from the  
3 date it has become final and executory. If deportation is not enforced within the  
4 prescribed period, the foreign national may be released on bail or recognizance.

5           **SEC. 100. *Suspension of Deportation Order.*** – The Commissioner may suspend  
6 the implementation of the deportation order and order the release of the foreign  
7 national on bail or recognizance, taking into account the following factors:

- 8           (a) Age, health, family or conduct;  
9           (b) Period of detention;  
10           (c) Impact on national security and public welfare;  
11           (d) Unavailability of travel documents;  
12           (e) Existence of an application for refugee or statelessness status; or  
13           (f) Other humanitarian considerations.

14           **SEC. 101. *Reinstatement of a Deportation Order.*** – A deportation order  
15 previously implemented against a foreign national who unlawfully re-entered the  
16 Philippines shall be deemed automatically reinstated and shall be implemented in  
17 accordance with this Act. This provision shall also apply to a foreign national who  
18 departed voluntarily under Section 98 of this Act and re-entered the Philippines  
19 unlawfully or without prior written authorization from the Commissioner.

20           **SEC. 102. *Country of Destination of a Deportee.*** – Except as provided for under  
21 an existing treaty or international agreement, a foreign national shall be deported to  
22 the country of which the person is a citizen or national, or foreign national's country  
23 of birth, or the country of which the individual is a resident, or the country from which  
24 the individual embarked for the Philippines, subject to the acceptance by the receiving  
25 country.

26           **SEC. 103. *Cost of Deportation.*** – The cost of deportation shall be borne by the  
27 owner, operator, captain, master, pilot, agent or consignee of a vessel in case Its  
28 foreign crewmember is to be deported under Section 92 of this Act. In all other cases,  
29 the cost of deportation shall be borne either by the deportee, by the concerned  
30 consular office, nongovernment organizations or people's organizations with which the  
31 Bureau has an agreement on this matter, or from the appropriations for the  
32 enforcement of this Act.

33           **SEC. 104. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or***  
34 ***Consignee of a Vessel.*** – Failure or refusal on the part of the owner, operator, captain,  
35 master, pilot, agent or consignee of a vessel to take on board, guard safely and  
36 transport the deportee to the foreign national's country of destination, or to shoulder  
37 the cost of deportation of the foreign crew member as provided in the preceding

1 Section, shall be subject to the administrative fines prescribed under Section 122 of  
2 this Act.

3 **SEC. 105. Expenses of Accompanying Person.** – The Commissioner may, for  
4 security reason or by reason of the mental or physical condition of the deportee, direct  
5 an employee of the Bureau to accompany such deportee to the country of the  
6 deportee's destination, subject to the provisions of Section 103 of this Act.

7  
8 **CHAPTER 3**  
9 **INDIGENT FOREIGN NATIONAL**

10 **SEC. 106. Removal of Indigent Foreign National.** – At any time after entry, the  
11 Commissioner may remove indigent foreign nationals from the Philippines to the  
12 country of which they are citizens or nationals, their country of birth, or their country  
13 of residence, as the case may be. The cost of deportation may be charged against the  
14 available funds of the Bureau. Any foreign national removed under this section shall  
15 be barred re-admission except upon written authorization of the Board.

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

21 **TITLE VI**  
22 **MISCELLANEOUS PROVISIONS**

23 **CHAPTER 1**  
24 **REGISTRATION OF FOREIGN NATIONALS**

25 **SEC. 107. Requirement of Registration.** – All foreign nationals, regardless of any  
26 exemption provided by law, shall register with the Bureau or any Immigration Office  
27 nearest to their place of residence on or before the sixtieth (60th) day of their latest  
28 arrival in the Philippines.

29 **SEC. 108. Registration Form and Oath.** – Applications for registration shall be  
30 under oath and in such form as prescribed by the Bureau. Upon registration, a  
31 certificate of registration shall be issued to the registrant. In case of loss or destruction  
32 of the certificate, a replacement certificate may be issued by the Bureau upon proper  
33 application and payment of prescribed fees.

34 **SEC. 109. Amendment of Registration.** – Registered foreign nationals shall  
35 notify the Bureau in writing of any change of information in their registration  
36 documents not later than seven (7) days from such change.

37 **SEC. 110. Presentation of Certificate of Registration.** – Every foreign national  
38 required to register under this Act or the parent or guardian of such foreign national

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

4 **SEC. 111. Reportorial Requirements.** – Every foreign national registered under  
5 this Act shall, within the first sixty (60) days of every calendar year, report in person  
6 to the Bureau. The Commissioner may exempt personal appearance of foreign  
7 nationals registered under this Act subject to certain requirements and conditions as  
8 may be prescribed in the rules and regulations issued for the purpose.

9 **SEC. 112. Failure to Comply with Requirements.** – A foreign national, or the  
10 parent or guardian of the foreign national, who, without justifiable reason, fails to  
11 comply with all the requirements under this Act, or who files an application for  
12 registration containing statements known by the individual to be false, or who utilizes  
13 registration documents other than that of the individual, shall be dealt with in  
14 accordance with the provisions of this Act and other existing laws.

15 **SEC. 113. Cancellation of Registration of Foreign National.** – In case of death  
16 of a foreign national registered under the provisions of this Act, the legal heir,  
17 representative or administrator of the foreign national must inform the Bureau within  
18 sixty (60) days from such death, and the Bureau shall cancel the registration of the  
19 deceased foreign national. The Local Civil Registrar or other civil registry officer of the  
20 locality where said foreign national died shall furnish the Bureau with a copy of the  
21 Certificate of Death within thirty (30) days from issuance thereof. Failure on the part  
22 of the persons concerned to comply with the requirements specified in this Section  
23 shall be dealt with pursuant to the provisions of existing laws.

## 24

## 25 CHAPTER 2

## 26 BONDS AND DEPOSITS

27 **SEC. 114. Bonds, When Required.** – The Bureau shall have the authority to  
28 require cash bonds in such amounts and under such conditions as it may prescribe in  
29 order to:

- 30 (a) control and regulate the admission into, and departure from, the Philippines of  
31 foreign nationals applying for temporary admission;
- 32 (b) insure against foreign passengers liable to be excluded as likely to become  
33 public charges; and ensure the appearance of foreign nationals released from  
34 custody during the course of deportation proceedings instituted against them.

35 **SEC. 115. Requirement of Cash Deposits for Services Rendered.** – The Bureau  
36 shall likewise have the authority to require cash deposits in such amounts as may be  
37 necessary from a vessel's owner, operator, captain, master, pilot, agent, or consignee

1 or other persons served for services rendered as established by the implementing  
2 rules and regulations.

3 **SEC. 116.** *Cancellation and Forfeiture of Bonds.* – When the conditions of the  
4 bond are fulfilled, or in case the Commissioner determines that the likelihood that a  
5 foreign national shall become a public charge no longer exists, or in case of death of  
6 the foreign national in whose behalf the bond is posted, the bond shall be cancelled  
7 and released to the depositor or the legal representative of the foreign national. In  
8 case of violation of the conditions of the bond, the same shall be forfeited and  
9 deposited in a trust fund account which may be utilized for the purchase of passage  
10 tickets for the removal of indigent foreign nationals and to cover the costs of  
11 operations in locating deportees who jump bail.

12  
13 **CHAPTER 3**  
14 **RECOGNIZANCE**

15 **SEC. 117.** *Petitions for Recognizance, Sanction for Breach of Conditions.* – The  
16 Commissioner may order the release of a foreign national upon recognizance of the  
17 foreigner's lawyer or a person who is of good standing in the community, under such  
18 terms and conditions as the Board may prescribe. Failure to comply with the terms  
19 and conditions of the recognizance shall subject said lawyer or person to a fine of not  
20 less than Fifty thousand pesos (PhP50,000.00) but not more than One hundred  
21 thousand pesos (PhP100,000.00), without prejudice to other administrative sanctions  
22 or proceedings against the erring party.

23  
24 **CHAPTER 4**  
25 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

26 **SEC. 118.** *Working Cooperation with the Department of Foreign Affairs.* – For  
27 purposes of efficient implementation and administration of this Act, the Bureau shall  
28 maintain a working cooperation with the DFA.

29 **SEC. 119.** *Working Cooperation with the Commission on Higher Education*  
30 *(CHED).* – The Bureau shall maintain a working cooperation with the CHED with  
31 respect to the accreditation of schools and learning centers for enrollment of foreign  
32 students as authorized under this Act.

33 **SEC. 120.** *Working Cooperation with the Civil Aviation Authority of the*  
34 *Philippines (CAAP).* – The Bureau shall maintain a working cooperation with the CAAP  
35 with respect to accreditation of flying schools for the enrollment of foreign students.

36 **SEC. 121.** *Coordination with Law Enforcement, Security and Other Offices.* –  
37 The Bureau shall have the authority to maintain coordination with the National Security

1 Council, the Philippine National Police (PNP), and other law enforcement agencies of  
2 the government.

3  
4 **CHAPTER 5**  
5 **FEES AND CHARGES**

6 **SEC. 122.** *Authority of the Board to Prescribe, Impose and Collect Fees and*  
7 *Charges.* – The Board is authorized to prescribe, impose and collect fees and charges  
8 for services rendered, pursuant to the provisions of this Act

9  
10 **CHAPTER 6**  
11 **ADMINISTRATIVE FINES**

12 **SEC. 123.** *Fine for Failing to Submit Crew List or Passenger Manifest, or Failure*  
13 *to Account Every Passenger and Crew.* – Any owner, operator, master, captain, pilot,  
14 agent, or consignee of a vessel arriving at any port in the Philippines from a place  
15 outside thereof who fails to submit to the immigration authorities a complete and  
16 accurate crew list or passenger manifest, or fails to produce or account every  
17 crewmember or passenger whose name appears in said list or manifest shall be  
18 subject to fines of One hundred thousand pesos (PhP100,000.00) and Fifty thousand  
19 pesos (PhP50,000.00) for each unaccounted person, respectively.

20 **SEC. 124.** *Fine for Violation of Obligation on the Landing or Removal of Foreign*  
21 *Nationals.* – Any owner, operator, master, captain, pilot, agent, or consignee of any  
22 vessel arriving at a port of the Philippines from a place outside thereof having a foreign  
23 national on board in violation of this Act shall be fined not less than Fifty Thousand  
24 pesos (PhP50,000.00) but not more than Two hundred thousand pesos  
25 (PhP200,000.00) for each act or violation consisting of:

- 26 (a) Failure to prevent the landing of such foreign national in the Philippines at any  
27 time or place other than as designated by the Immigration Officer;
- 28 (b) Refusal or failure to detain a foreign national on board any such vessel at the  
29 port of arrival when required by this Act or so ordered by an Immigration Officer;
- 30 (c) Refusal or failure to deliver a foreign national for medical or other examinations  
31 when so ordered by an Immigration Personnel;
- 32 (d) Refusal or failure to pay the cost of maintenance and other costs, as required by  
33 this Act, of such foreign national when temporarily removed from the vessels for  
34 examination by order of the Immigration Officer;
- 35 (e) Refusal to receive such foreign national on board for removal from the Philippines  
36 if the foreign national is excluded, or to pay the cost of removal as required  
37 under Sections 90 and 104 of this Act;

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

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

8 **SEC. 125.** *Fine for Bringing Undocumented Foreign National, or Foreign National*  
9 *Afflicted with Communicable or Contagious Disease, or Suffering from Mental*  
10 *Disorder.* – The owner, operator, master, captain, pilot, agent, or consignee of the  
11 vessel arriving at a port in the Philippines from a place outside thereof bringing on  
12 board an undocumented foreign national shall be fined One hundred thousand pesos  
13 (PhP100,000.00) for each foreign national. If the foreign national is afflicted with a  
14 communicable or contagious disease or is suffering from mental disorder, the fine  
15 shall be not less than Two hundred thousand pesos (PhP200,000.00) but not more  
16 than Three hundred thousand pesos (PhP300,000.00) for each foreign national.

17 **SEC. 126.** *Fine for Bringing a Foreign National to Assist His Illegal Entry or*  
18 *Misrepresenting a Foreign National as a Member of the Crew.* – The owner, operator,  
19 master, captain, pilot, agent, or consignee of the vessel arriving at any port in the  
20 Philippines from a place outside thereof bringing on board a foreign national bound  
21 for the Philippines to assist the illegal entry of the foreign national, or misrepresenting  
22 the foreign national to the Immigration Officer at the port of arrival as a bona fide  
23 member of the crew, shall be fined not less than One hundred thousand pesos  
24 (PhP100,000.00) but not more than Two hundred thousand pesos (PhP200,000.00)  
25 for each foreign national.

26 **SEC. 127.** *Fine for an Overstaying Crewmember.* – Any foreign crewmember  
27 who willfully remains in the Philippines beyond the period allowed for temporary  
28 landing shall be fined not less than Fifty thousand pesos (PhP50,000.00) but not more  
29 than One hundred thousand pesos (PhP100,000.00). The owner, operator, master,  
30 captain, pilot, agent, or consignee of the vessel shall be solidarily liable for the fine  
31 imposed on such overstaying crewmember.

32 **SEC. 128.** *Fine for Assaulting an Immigration Personnel.* – Any form of assault  
33 directed to any personnel of the Bureau is an act of disrespect. In case the assault is  
34 committed by a foreign national at the ports of entry and exit, such foreign national  
35 shall be excluded or deported, as the case may be, and shall be fined Two Hundred  
36 Thousand Pesos (PhP200,000.00) without prejudice to the right of the aggrieved  
37 Immigration Personnel to file appropriate criminal, civil or administrative cases against  
38 such person.



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

3 **SEC. 129.** *Fine for Violation of Other Provisions of this Act.* – The owner,  
4 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port  
5 of the Philippines from a place outside thereof who violates any other provision of this  
6 Act not specifically provided in this Chapter shall be fined not less than Fifty thousand  
7 pesos (PhP50,000.00) but not more than Two hundred thousand pesos  
8 (PhP200,000.00) for each violation.

9  
10 **CHAPTER 7**  
11 **PENAL PROVISIONS**

12 **SEC. 130.** *Prohibited Acts and Penalties.* – Any person who shall commit any of  
13 the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment  
14 for not less than five (5) years but not more than ten (10) years, or a fine of not less  
15 than One hundred thousand pesos (PhP100,000.00) but not more than Five hundred  
16 thousand pesos (PhP500,000.00), or both imprisonment and fine, at the discretion of  
17 the court:

- 18 (a) Impersonating another individual, or falsely appearing in the name of a  
19 deceased individual, or evading immigration laws by using an assumed or  
20 fictitious name when applying for an immigration document;
- 21 (b) Issuing or otherwise delivering an immigration document or an immigration  
22 accountable form to any person not authorized by law to receive such  
23 documents;
- 24 (c) Obtaining, manufacturing, printing, accepting or using any immigration or  
25 travel document knowing it to be false, or using an immigration accountable  
26 form that is not legally issued;
- 27 (d) Entering or leaving the Philippines without inspection and admission by the  
28 immigration authorities, or obtaining entry into or departure clearance from the  
29 Philippines through fraud, misrepresentation, or concealment of material facts;
- 30 (e) Misrepresenting oneself to be a citizen of the Philippines;
- 31 (f) Knowingly making any false statement under oath regarding any immigration  
32 matter; or
- 33 (g) Bringing into, or landing in the Philippines, or concealing, harboring, employing,  
34 or giving comfort to, any person not duly admitted by an Immigration Personnel  
35 or not lawfully entitled to enter into or reside within the Philippines, or  
36 attempting, conspiring with, or aiding another to commit any such acts.

1 Where the offender of any acts specified in paragraph (g) of this section is a  
2 corporation, partnership or other juridical entity, the president, general manager,  
3 managing partner, or chief executive officer thereof shall be held liable. Dismissal of  
4 the employee by the employer before or after apprehension shall not relieve such  
5 employer from any liability arising from the offense: *Provided*, That if the offender is  
6 the owner, operator, master, captain, pilot, agent, or consignee, or other person in  
7 charge of the vessel that brought the foreign national into the Philippines from any  
8 place outside thereof, the fine imposed under this section shall constitute a lien against  
9 the vessel which may be enforced in the same manner as fines are collected and  
10 enforced under existing laws. Such vessel shall not be allowed to depart without prior  
11 clearance issued by the Bureau. Where forfeiture is justified under the particular  
12 circumstances of the case, the forfeiture of the vessel in favor of the government in  
13 lieu of the fine shall be decreed.

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

18 **SEC. 131.** *Penalty for Aiding the Escape of Detained Foreign National.* – Any  
19 person who shall be found to have helped, assisted, supported, caused or ministered  
20 the escape, including harboring and concealing, of a foreign national shall, upon  
21 conviction, be imprisoned for not less than five (5) years but not more than ten (10)  
22 years and a fine of not less than Two hundred thousand pesos (PhP200,000.00):  
23 *Provided*, That if the person liable is a foreign national, such person shall be deported  
24 after service of sentence: *Provided, further*, That any tools, equipment, implements  
25 or vehicles used in the escape of a detained foreign national shall be destroyed or  
26 forfeited in favor of the government.

27 **SEC. 132.** *Penalty for Non-compliance of Subpoena.* – Any person who, having  
28 been duly served with a subpoena, fails to comply without valid and justifiable reasons  
29 shall suffer the penalty of imprisonment of not more than fifteen (15) days or a fine  
30 of not more than One thousand pesos (PhP1,000.00), or both, at the discretion of the  
31 court.

32 **SEC 133.** *Imposition of Maximum Penalty, When Applicable.* – A person  
33 convicted under Republic Act No. 3019, as amended, otherwise known as the "*Anti-*  
34 *Graft and Corrupt Practices Act*", or other laws against corruption and bribery in  
35 relation to any violation or circumvention of any provision of this Act shall suffer the  
36 maximum penalty under the said Republic Act or other laws against corruption and  
37 bribery, as the case may be.

**CHAPTER 8**

**UPGRADING OF POSITIONS, COMPENSATION AND BENEFITS**

**SEC. 134.** *Creation of New Positions, Reclassification of Existing Positions and Upgrading of Salary Levels.* – The following positions in the Bureau are hereby created, and the existing positions reclassified or upgraded, with the corresponding salary grade levels:

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
Commissioner	Commissioner III	30	30
Deputy Commissioner	Deputy Commissioner III	29	29
	Director II, Internal Affairs Service		26
Attorney V (Board of Special Inquiry)	Attorney V, Board of Special Inquiry	25	25
Attorney IV (Board of Special Inquiry)	Attorney IV, Board of Special Inquiry	23	23
Attorney III, Board of Special Inquiry	Attorney III, Board of Special Inquiry	21	21
Attorney V (Legal Division)	Chief Legal Affairs Officer	25	25
Attorney IV (Legal Division)	Attorney IV, Legal Division	23	23
Attorney III (Legal Division)	Attorney III, Legal Division	21	21
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer	24	24
Supervising Administrative Officer (Administrative Division)	Supervising Administrative Officer, Administrative Division	22	22
Chief Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer	24	24
Intelligence Officer V (Intelligence Division)	Chief Immigration Intelligence Officer	24	24
	Chief Immigration Law Enforcement Officer		24
Chief Immigration Officer (Port Operations Division)	Chief Immigration Operations Officer	24	24
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Regulation Officer	24	24

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
	Chief Human Resource Management Officer (Chief Personnel Specialist)		24
	Supervising Human Resource Management Officer		22
Chief Administrative Officer (Finance & Management Division)	Chief Finance and Logistics Officer	24	24
Supervising Administrative Officer (Finance & Management Division)	Supervising Administrative Officer, Finance and Logistics Division	22	22
Planning Officer V (Planning and Policy Division)	Chief Planning and Research Officer	24	24
Planning Officer IV (PPD)	Planning and Research Officer IV	22	22
Planning Officer III (PPD)	Planning and Research Officer III	18	18
Planning Officer II (PPD)	Planning and Research Officer II	15	15
Planning Officer I (PPD)	Planning and Research Officer I	11	11
Information Technology Officer III (Management Information System Div)	Chief Information and Communications Technology Officer	24	24
Information Technology Officer	Information Technology Officer	19	19
Information System Analyst II	Information System Analyst II	16	16
Supervising Immigration Officer (IRD, ARD, POD)	Supervising Immigration Officer	22	22
Intelligence Officer IV			
Senior Immigration Officer	Senior Immigration Officer	19	20
Immigration Officer	Immigration Officer III	16	18
Intelligence Officer			
Immigration Officer	Immigration Officer II	13	15
Intelligence Officer			
Special Investigator II			
Immigration Officer	Immigration Officer I	11	13
Intelligence Officer			

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
Special Investigator II	Immigration Officer I	11	13
Intelligence Agent II			
Immigration Assistant			
Administrative Officer V (Administrative Officer III)	Administrative Officer V	18	18
Administrative Officer V (Cashier III)			
Administrative Officer V (HRMO III)			
Administrative Officer V (Records Officer III)			
Administrative Officer V (Supply Officer III)			
Administrative Officer V (Procurement)			
Administrative Officer V (Management and Audit Analyst III)			
Administrative Officer V (Budget Officer III)			
Medical Officer III	Medical Officer III	21	21
Computer Programmer II	Information Technology Officer I	15	19
Computer Maintenance Technologist II			
Dentist II	Dentist II	17	17
Fingerprint Examiner IV	Fingerprint Examiner IV	15	15
Accountant III	Accountant III	19	19
Accountant II	Accountant II	16	16
Accountant I	Accountant I	12	12
	Board Secretary V		24
	Regional Programs Coordinator		22
	Training Specialist III		18
	Psychologist III		18
	Document Examiner III		18
	Training Specialist II		15

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
	Project Development Officer II		15
	Psychologist II		15
	Security Officer II		15
	Computer Programmer I		11

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

9 **SEC. 135. Additional Grant of Benefits.** – The Bureau shall provide its employees  
10 with the following benefits:

- 11 (1) Health care services through an accredited Health Maintenance Organization for  
12 its regular employees;
- 13 (2) Accident Insurance policies for all employees;
- 14 (3) Night Shift differential and overtime pay for actual work rendered, in accordance  
15 with existing guidelines;
- 16 (4) Longevity pay, subject to guidelines that shall be issued by the Board in  
17 accordance with existing laws and regulations and subject to the approval of the  
18 Secretary of the DBM;
- 19 (5) Transportation benefits;
- 20 (6) Quarters allowance; and,
- 21 (7) Hazard pay amounting to twenty percent (20%) of basic salary to qualified  
22 employees as may be determined by the Board.

23 **SEC. 136. Retention and Use of Immigration Fees, Fines and Other Income;**  
24 *Immigration Trust Fund.* – The Board is hereby authorized to retain and use every  
25 year thirty per cent (30%) of its collections from immigration fees, fines and penalties,  
26 and other Oncome that may be collected by the Bureau for the effective  
27 implementation of this Act; *Provided*, That the amount so retained and used by the  
28 Board shall not exceed One billion two hundred million pesos (PhP1.2 Billion) every  
29 year; *Provided, further*, that the Board shall review every three (3) years the maximum  
30 allowable retained collections based on the needs of the Bureau under this Section,

1 subject to the approval by the DBM; *Provided, finally*, that any excess in the collections  
2 under this paragraph shall accrue to the general fund of the national government.

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

- 7 (a) 50% for the modernization of equipment, facilities and offices used by employees  
8 of the Bureau, including capital outlay for the establishment of new buildings and  
9 field offices for the effective implementation of this Act;
- 10 (b) 30% for the payment of employee benefits provided in this Act, and as may be  
11 hereafter provided by the Board with the approval of the Secretary of the DOJ;  
12 and
- 13 (c) 20% for the further professionalization of the employees of the Bureau including  
14 trainings, seminars and other career advancement programs.

15 All interest income, dividends and earnings accrued from the ITF shall also form  
16 part of the Fund. No portion of the ITF shall revert to the general fund of the National  
17 Government, except when the ITF is no longer necessary for the purposes for which  
18 it was established.

19 Collections from express lane fees under Section 11(o) of this Act shall not form  
20 part of the ITF, and shall be used strictly in accordance with the said provision.

21  
22 **CHAPTER 9**  
23 **TRANSITORY PROVISIONS**

24 **SEC. 137. *Interim Period.*** — The incumbent Commissioner and the two Deputy  
25 Commissioners, if qualified under this Act, shall continue to discharge the functions  
26 of their position unless otherwise removed by the President. All personnel of the  
27 present Bureau of Immigration shall continue to discharge the functions of their  
28 positions pending the reorganization as provided in this Act.

29 **SEC. 138. *Reorganization of the Bureau.*** — Upon approval of this Act, all 10  
30 employees of the Bureau of Immigration covered by civil service rules and regulations  
31 shall continue to hold their present positions pending the reorganization of the Bureau  
32 in accordance with the new staffing pattern: *Provided*, That the salaries, wages,  
33 allowances and other benefits of incumbent officers and employees of the Bureau shall  
34 not be subject to diminution: *Provided, further*, That employees who have been  
35 dismissed for cause shall no longer qualify for any position in the Bureau.

36 **SEC. 139. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and***  
37 ***Obligations to the Commission.*** — All buildings, properties, equipment, facilities,

1 accounts, other assets, liabilities and other obligations as well as records of the Bureau  
2 of Immigration shall be properly inventoried and transferred to the Bureau.

3 **SEC. 140. *Treaty or Agreement.*** – Any treaty or agreement entered into  
4 between the Philippines and any foreign state before the effectivity of this Act shall  
5 remain in force and effect.

6 **SEC. 141. *Pending Cases.*** – Any prosecution, suit, action, proceeding, or any  
7 act or matter, civil or criminal, pending at the time of the effectivity of this Act shall  
8 not be affected by any of the provisions of this Act unless otherwise explicitly stated  
9 herein.

10  
11 **CHAPTER 10**  
12 **ADMINISTRATION AND IMPLEMENTATION**

13 **SEC. 142. *Administration and Implementation Abroad.*** – The administration and  
14 implementation of this Act abroad, including the rules and regulations, and specific  
15 visa policies or guidelines, shall be the responsibility of the DFA, with due notice to  
16 the Bureau and other concerned agencies and offices.

17 **SEC. 143. *Implementing Rules and Regulations.*** – Within sixty (60) days from  
18 the effectivity of this Act, the Bureau shall, In coordination with the Secretaries of the  
19 DBM, the DOJ and the DFA, promulgate the rules and regulations for its effective  
20 implementation.

21 **SEC. 144. *Appropriations.*** – The amount necessary to cover the initial  
22 implementation of this Act shall be charged against the following:

- 23 (a) Current year's appropriation of the Bureau of Immigration; and  
24 (b) Immigration fees, fines and other income authorized under Section 134 of this  
25 Act.

26 Thereafter, such sums as may be needed for its continued implementation shall  
27 be Included in the annual General Appropriations Act or sourced from the Immigration  
28 Trust Fund pursuant to Section 134 of this Act.

29  
30 **CHAPTER 11**  
31 **FINAL PROVISIONS**

32  
33 **SEC. 145. *Separability Clause.*** – If any portion or provision of this Act is declared  
34 unconstitutional, the remainder of this Act or any provision not affected thereby shall  
35 remain in force and effect.



1           **SEC. 146. *Repealing Clause.*** – Commonwealth Act No. 613, otherwise known  
2 as the "*Philippines Immigration Act of 1940*", as amended, and the Republic Act No.  
3 750, are hereby repealed.

4           All provisions of existing laws, orders, rules and regulations or parts thereof  
5 which are in conflict or inconsistent with the provisions of this Act are hereby repealed,  
6 amended or modified accordingly.

7           **SEC. 147. *Effectivity.*** – This Act shall take effect after fifteen (15) days following  
8 the completion of its publication either in the Official Gazette or in a newspaper of  
9 general circulation in the Philippines.

*Approved,*