

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

 Office of the Secretary

'22 AUG -4 A9 :48

SENATE

RECEIVED BY



S. No. 1036

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
PROVIDING FOR A NEW PASSPORT LAW, REPEALING FOR THE PURPOSE
REPUBLIC ACT NO. 8239, OTHERWISE KNOWN AS THE "PHILIPPINE
PASSPORT ACT OF 1996"**

EXPLANATORY NOTE

Republic Act No. 8239, otherwise known as the "Philippine Passport Act of 1996" was enacted to ensure the people's constitutional right to travel and to fulfill the government's duty to issue passport or any travel document to rightful persons in simple and expeditious manner. This law was amended by Republic Act No. 10928 which was signed on August 2, 2017 to extend the validity of passports from five (5) to ten (10) years.

The existing laws, however, need to be further strengthened to take advantage of the continuous technological advancements in elevating the level of accessibility and convenience of the use of passport. Its security features should also be enhanced in view of the rapidly changing schemes of encroaching people's personal information and identity.

The "*New Philippine Passport Act*" seeks to achieve these objectives by utilizing data management technology and security features that are personalized and tamper-proof. The Department of Information and Communications Technology is mandated to provide technical assistance and expertise to the Department of Foreign Affairs (DFA) to ensure that the information gathered for the Passport

database is protected against unauthorized access, use, disclosure, tampering and accidental or intentional loss, destruction and damage.

To ensure accessibility and affordability of securing passports, the measure proposes to establish an Online Application Portal and Electronic One Stop Shop to facilitate applications for passports. Priority lanes will also be set up for the vulnerable members of the society namely, senior citizens, persons with disabilities, pregnant women, overseas Filipino workers (OFWs) and individuals with emergency and exceptional cases. Special arrangements for Muslim Filipinos who are attending the annual hajj pilgrimage will also be provided.

The effective implementation of the law undeniably relies on the commitment and compliance of the implementing agency. Thus, the bill prohibits the DFA and its officials and personnel authorized to issue passports from committing unfair and discriminatory practices that demands submission of extraneous and unnecessary certifications, proof and documentary requirements not enumerated in the law or its implementing rules and regulations. It likewise prohibits undue or arbitrary delays in the issuance and release of passport or travel documents without valid and just cause.


A similar measure was approved by the House of Representatives on Third Reading in the 18th Congress.

In view of the foregoing, the passage of this bill is recommended.


JINGGOY EJERCITO ESTRADA

'22 AUG -4 A9 :48

SENATE
S. No. 1036

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
PROVIDING FOR A NEW PASSPORT LAW, REPEALING FOR THE PURPOSE
REPUBLIC ACT NO. 8239, OTHERWISE KNOWN AS THE "PHILIPPINE
PASSPORT ACT OF 1996"

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

1 Section 1. *Short Title.* – This Act shall be known as the "New Philippine
2 *Passport Act*".

3 Sec. 2. *Declaration of Policy.* – The people's constitutional right to travel is
4 inviolable. Accordingly, the government has the duty to issue passports or any travel
5 document to any citizen of the Philippines or individual who complies with the
6 requirements of this Act, using, as much as practicable, the latest tamper-proof,
7 personalization, and data management technology. The right to travel may be
8 impaired only when national security, public safety, or public health so requires. To
9 enhance and protect the unimpaired exercise of this right, only minimum
10 requirements for the application and issuance of passports and other travel
11 documents shall be prescribed. The government shall ensure expeditious action on
12 such applications and the issuance of passports and travel documents.

13 Sec. 3. *Definition of Terms.* – As used in this Act:

14 a) *Ambassadors* – refer to those who have been appointed as Chiefs of
15 Mission and are currently serving as Ambassadors Extraordinary and
16 Plenipotentiary;

- 1 b) *Biographic data* – refers to an individual's full name, birth date, birth
2 place, and sex as recorded in the certificate of live birth or report of birth;
- 3 c) *Biometric data* – refers to front facing photograph, iris scan and/or such
4 other identifiable features of an individual;
- 5 d) *Convention on International Aviation or Chicago Convention* - refers to the
6 Convention which sets out certain principles and arrangements for the
7 development of international civil aviation and establishment of
8 international air transport services signed in Chicago in 1944 and which
9 entered into force in 1968;
- 10 e) *Consular offices (CO)* – refer to field offices of the Department of Foreign
11 Affairs (DFA) Office of Consular Affairs located in the Philippines where
12 passport and consular services are provided;
- 13 f) *Consular Official* – refers to a DFA official assigned to the Office of
14 Consular Affairs, DFA Consular Offices in the Philippines and Foreign
15 Service Posts, who is responsible for providing passport and other consular
16 services.
- 17 g) *Fugitives from justice* – refer to those who flee after conviction to avoid
18 punishment and those who, after being charged, flee to avoid prosecution;
- 19 h) *Foreign Service Posts (FSPs)* – refer to embassies, missions, consulates
20 general, and other foreign service establishments maintained by the DFA;
- 21 i) *ICAO* – refers to the International Civil Aviation Organization, a specialized
22 agency of the UN, established by UN Member States in 1944 to manage
23 the administration and governance of the Convention on International Civil
24 Aviation or the Chicago Convention;
- 25 j) *Issuing Authority* – refers to the DFA Office of Consular Affairs, DFA
26 Consular Offices in the Philippines, or the Philippine Foreign Service Posts
27 overseas which issue passports and provide other consular services;
- 28 k) *Large scale* – refers to the commission of any of the offenses under this
29 Act against three (3) or more persons individually or as a group;
- 30 l) *Machine Readable Travel Document* – refers to an official document,
31 conforming with the specifications contained in ICAO Document 9303,
32 issued by a State or organization, which is used by the holder for

1 international travel and which contains mandatory visual data and a
2 separate mandatory data summary in a format which is capable of being
3 read by a machine;

4 m) *Passport* – refers to the ICAO-compliant machine readable travel
5 document issued by the Philippine Government which contains a request
6 to other governments to permit its bearer to pass safely and freely, and to
7 provide all lawful aid and protection, if needed;

8 n) *Recognized alien residents* – refer to aliens who are permanent residents
9 of the Philippines, or who are Stateless persons or refugees, as recognized
10 by the Philippine Government;

11 o) *Syndicate* – refers to a group of three (3) or more persons conspiring with
12 one another; and

13 p) *Travel Document* – refers to a form of identification, compliant with
14 current ICAO standards, that the Philippines government issues to its
15 citizens or recognized residents so they can cross international borders in
16 lieu of a regular passport.

17 *Sec. 4. Authority to Issue, Deny, or Revoke.* – Upon the application of any
18 qualified Filipino citizen, the Secretary of Foreign Affairs, herein after referred to as
19 Secretary, or any duly authorized consular officer may issue passports in accordance
20 with this Act.

21 Philippine consular officials in a foreign country shall be authorized by the
22 Secretary to issue, verify, deny, or revoke a passport in the area of jurisdiction of the
23 Foreign Service Post in accordance with the provisions of this Act.

24 In the interest of national security, public safety, and public health, the
25 Secretary or any of the authorized consular officials may, after due hearing and in
26 their proper discretion, deny issuance of a passport or revoke a passport: *Provided,*
27 *however,* That such act shall not mean a loss of or a doubt on the person's
28 citizenship: *Provided, further,* That the issuance of a passport may not be denied if
29 the safety and interest of the Filipino citizen are at stake: *Provided,* finally, That
30 denial or revocation of a passport shall not prevent the issuance of an Emergency
31 Travel Document.

1 Sec. 5. *Requirements for the Issuance of a Passport.* – The Secretary, or a
2 duly authorized consular official, shall issue a passport to an applicant who is a
3 Filipino citizen and who has complied with the following requirements:

- 4 a) A duly accomplished application form;
- 5 b) Proof of citizenship as prescribed by relevant laws regarding the
6 acquisition of Philippine citizenship which include, but are not limited to:
- 7 1) Certificate of Live Birth or Report of Birth, whichever is applicable, for
8 natural born citizens authenticated by the Philippine Statistics Authority
9 (PSA);
- 10 2) Naturalization Certificate for naturalized citizens;
- 11 3) Filipino Identification Certificate by Election for those who were born
12 before January 17, 1973, of Filipino mothers, and who elected
13 Philippine citizenship upon reaching the age of majority; or
- 14 4) Documents issued upon Reacquisition or Retention of Philippine
15 citizenship under Republic Act No. 9225 otherwise known as
16 “Citizenship Retention and Reacquisition Act of 2003”;
- 17 c) Valid and sufficient proof of identity, foremost of which is the individual’s
18 record in the Philippine Identification System (PhilSys) as provided for in
19 Section 6 of Republic Act No. 11055 or the “Philippine Identification
20 System Act,”
- 21 d) PSA authenticated Certificate of Marriage or Report of Marriage, whichever
22 is applicable, for a married woman who wishes to use her husband’s
23 surname;
- 24 e) Duly annotated PSA authenticated Certificate of Marriage or Report of
25 Marriage, whichever is applicable, of a woman who wishes to revert to the
26 use of her maiden name by virtue of an annulment, declaration of nullity
27 of marriage, legal separation, or a judicially-recognized foreign divorce; or
28 Death Certificate or Report of Death of the husband;
- 29 f) For a minor applicant, the application may be filed by either parent:
30 *Provided, That* if a person other than the minor’s parents files the
31 application, a Special Power of Attorney (SPA) duly executed by a person
32 exercising parental authority must be presented for this purpose;

- 1 g) Certificate Declaring a Child Legally Available for Adoption (CDCLAA)
2 issued by the National Authority for Child Care (NACC) if the applicant is a
3 prospective adoptive child under the Republic Act No. 11642, otherwise
4 known as the "Domestic Administrative Adoption and Alternative Child
5 Care Act."
- 6 h) For applicants who are sixty-five (65) years old and above, who are
7 renewing their passports, the DFA shall implement a system wherein the
8 applicants may submit their application without the need to physically
9 appear in the Office of Consular Affairs or any Consular Office, through the
10 use of available technology, as far as practicable;
- 11 i) In case of discrepancy, the applicant's name or other details in the birth
12 certificate or report of birth shall prevail over that appearing in any other
13 public or private document: *Provided, however, That by operation of law*
14 *or through court order, the applicant is permitted to use a name other*
15 *than what is officially recorded in the PSA or the Local Civil Registry Office*
16 *(LCRO);*
- 17 j) A travel authority, issued by the head of the department, agency or office
18 or a duly authorized representative, if the applicant is a government
19 official or employee seeking to apply for a diplomatic or official passport;
20 The DFA is mandated to ensure the integrity of the passport at all times.
21 As such, the Secretary or duly authorized consular official may require the
22 applicant to provide additional documents until the latter adequately
23 establishes citizenship and identity.

24 *Sec. 6. Prohibition against unfair and discriminatory practices.* – The DFA, as
25 well as its authorized passport issuing authorities and personnel, is hereby prohibited
26 from conducting unfair and discriminatory practices, including but not limited to the
27 ordering of submission of extraneous and unnecessary certifications, proof and
28 documentary requirements not enumerated or specified in this Act or its
29 implementing rules and regulations, or unduly and arbitrarily delaying the issuance
30 and release of passport or travel documents without valid and just cause and even
31 after submission of all requirements provided in this Act or its implementing rules
32 and regulations.

1 Sec. 7. *Application.* – A person applying for a passport for the first time shall
2 be required to appear in person for biometric and biographic data capturing.

3 A person exercising parental authority shall assist an applicant who is a minor.

4 An applicant who is unable to read or write, persons with disability or a senior
5 citizen may be assisted by a relative within the fourth civil degree of consanguinity
6 or affinity, or by the travelling companion of the applicant. The DFA may require
7 other or additional documents as may be specified in the rules and regulations
8 promulgated for the implementation of this Act.

9 Personal appearance as well as other additional documents shall be required
10 by the DFA as specified in the rules and regulations promulgated for the
11 implementation of this Act: *Provided,* That senior citizens who are sixty-five (65)
12 years old and above may renew their passports without need of personal
13 appearance.

14 Sec. 8. *Types of Passports.* – The Secretary or the authorized consular officer
15 may issue the following types of passports:

16 a) Diplomatic Passports are issued to persons with diplomatic status or who
17 are on diplomatic mission, such as:

18 1) The President and former Presidents of the Philippines;

19 2) The Vice President and former Vice Presidents of the Philippines;

20 3) The President of the Senate, the Speaker of the House of
21 Representatives, and former Presidents of the Senate and Speakers of
22 the House of Representatives;

23 4) The Chief Justice and Associate Justices of the Supreme Court and the
24 Presiding Justice of the Court of Appeals, and the Sandiganbayan;

25 5) The Secretary, Undersecretaries and Assistant Secretaries of the DFA;

26 6) The Members of Congress, the Secretary of the Senate and the
27 Secretary General of the House of Representatives;

28 7) The Ambassadors Extraordinary and Plenipotentiary of the Republic of
29 the Philippines; Chiefs of Mission, and Foreign Service Officers of all
30 ranks in the career diplomatic service, including designated attachés
31 from the DFA and agencies of the government, including the officials of

1 the Migrant Workers Office (MWO) as created under Section 15 of
2 Republic Act No. 11641 or the "Department of Migrant Workers Act";

3 8) The Secretaries of all departments of the Executive branch;

4 9) The Governor of the Bangko Sentral ng Pilipinas;

5 10) The Official delegates to international or regional conferences accorded
6 full powers by the President; and

7 11) The spouses and unmarried minor children of the abovementioned
8 officials when accompanying or following to join them in an official
9 mission abroad.

10 The President of the Philippines or the Secretary may grant diplomatic
11 passport to officials and persons other than those enumerated herein who are on
12 official mission abroad or are granted full powers by the President.

13 b) Official Passports are issued to all government officials and employees on
14 official trip abroad but who are not on a diplomatic mission or have not
15 been accorded diplomatic status, such as:

16 1) The Undersecretaries, Assistant Secretaries of the Cabinet other than
17 the DFA, the Associate Justices of the Court of Appeals and the
18 Sandiganbayan, and other members of the Judiciary, all other
19 government officials and employees travelling on official business and
20 official time;

21 2) Staff officers and employees of the DFA assigned to diplomatic and
22 consular posts, and officers and representatives of other government
23 departments and agencies assigned abroad;

24 3) Persons in the domestic service and household members of officials
25 assigned to diplomatic or consular posts not exceeding two (2):
26 *Provided, That an increase in domestic service and household*
27 *members of such officials shall be approved by the Secretary; and*

28 4) Spouse and minor children of the staff officers and employees of the
29 DFA assigned to diplomatic or consular posts and offices and
30 representatives of other government agencies assigned abroad, when
31 accompanying or following to join them.

- 1 c) Regular Passports are issued to Filipino citizens who are not eligible or
2 entitled to diplomatic or official passports, including government officials
3 or employees going abroad for pleasure or other personal reasons.
4 Government officials and employees and members of their families may,
5 during their incumbency in office, hold two (2) passports simultaneously:
6 1) A regular passport for private travel; and
7 2) A diplomatic or official passport when travelling abroad on diplomatic
8 or official business. The spouse and minor children of persons entitled
9 to diplomatic or official passports shall be issued regular passports if
10 they are not accompanying or following to join them.
- 11 d) Emergency Passports, which shall be valid for one (1) year from the date
12 of issuance, are issued to Filipino citizens who have been previously issued
13 regular passports but for one reason or another, cannot apply for or
14 cannot be issued a regular passport.

15 *Sec. 9. Grounds for Denial of Issuance of Passport or Revocation of Passport.*

16 – A passport application may be denied, or revoked, on the following grounds:

- 17 a) On orders of the court, to hold the departure of an applicant because of a
18 pending criminal case;
- 19 b) On orders of the court, when the holder has been convicted of a criminal
20 offense: *Provided*, That a passport may be issued after service of
21 sentence;
- 22 c) On orders of the court, when the holder is a fugitive from justice;
- 23 d) When a passport was acquired fraudulently, tampered with, or issued
24 erroneously;
- 25 e) When a passport is returned to the DFA by other government agencies or
26 entities: *Provided*, That revocation of the passport will not prevent the
27 holder from being issued a new passport;
- 28 f) On written notarized request by the persons exercising parental authority
29 over a minor applicant or passport holder: *Provided*, That if the requesting
30 party is not a Filipino, the consent of the Filipino parent is required;
- 31 g) When the applicant has been found to have violated any of the provisions
32 of this Act; and

1 h) Such other disqualification under existing laws.

2 *Sec. 9. Passport Databases.* – The DFA shall create the following databases:

3 a) Passport database which shall contain all current and if available, previous
4 passport and travel document records of Philippines citizens, including
5 recognized alien residents;

6 b) Watchlist database which shall contain the names of persons whose
7 passport applications have been denied or whose passports were revoked
8 under Section 4 as well as those persons found to have committed, or
9 attempted to commit, offenses under Section 19 of this Act. No passport
10 shall be issued to the persons found in the database until they are able to
11 meet the documentary or legal requirements for the removal of their
12 names from the database.

13 The Secretary or any of the duly-authorized consular officials may
14 recommend the inclusion of persons in the database other than those
15 previously cited for other reasons that may provided a basis for the DFA to
16 deny issuance of a passport to these persons.

17 Nothing in the above provisions shall prevent the issuance of other types
18 of travel documents to persons included in the watchlist, at the discretion
19 of the Secretary or duly-authorized consular officials.

20 c) Stolen, lost, and revoked database which shall contain the information on
21 passports and travel documents of persons who declared that their
22 passports or travel documents have been lost or stolen.

23 The passport or travel document that has been revoked by the DFA under
24 Section 4 of this Act shall also be included in this database.

25 *Sec. 10. Safeguards on the Passport database.* – The DFA, with the technical
26 assistance and expertise of the Department of Information and Communications
27 Technology (DICT), shall implement appropriate organizational, technical and
28 physical security measures to ensure that the information gathered for the Passport
29 database is protected against unauthorized access, use, disclosure, tampering, and
30 accidental or intentional loss, destruction and damage.

1 Sec. 11. *Appeal.* – Any person whose passport application was denied or
2 revoked shall have the right to appeal to the Secretary, whose decision may be
3 reviewed by the appropriate court.

4 Sec. 12. *Validity.* – Regular passports issued under this Act shall be valid for a
5 period of ten (10) years: *Provided, however,* That for individuals under eighteen (18)
6 years of age, only a passport with five (5)-year validity shall be issued: *Provided,*
7 *further,* That the issuing authority may limit the period of validity to less than ten
8 (10) years, whenever in the national economic interest or political stability of the
9 country such restriction is necessary: *Provided, finally,* That a new passport may be
10 issued to replace one which validity has expired, the old passport being returned to
11 the holder after cancellation.

12 Sec. 13. *Ownership of Passports.* – A Philippine passport remains at all times
13 the property of the government, the holder being a mere possessor thereof for the
14 duration of the passport's validity and the same may not be surrendered to any
15 entity or person other than the government or its duly authorized representative.

16 Sec. 14. *Names and Titles.* – Passports shall contain the full name of the
17 applicant, but shall not include any title, profession or job description.

18 Sec. 15. *Other Travel Documents.* – The following travel documents may be
19 issued in lieu of a passport, under the circumstances listed hereunder:

20 a) Emergency Travel Document which shall be valid for one (1) year from the
21 date of issuance, for:

22 1) A Filipino citizen with urgent travel requirements who, for one reason
23 or another, has lost one's passport or whose passport has expired or is
24 expiring and cannot be issued a regular passport;

25 2) A Filipino citizen with emergency travel requirements, who has not
26 been issued a regular passport and who, for one reason or another,
27 cannot be issued a regular passport.

28 b) Travel Document Certificate which shall be valid for thirty (30) days from
29 the date of issuance, for:

30 1) A Filipino citizen being repatriated to the Philippines;

31 2) The alien spouse of a Filipino and their dependents who have not yet
32 been naturalized as a Filipino and who are travelling to the Philippines

1 or is a permanent resident of the Philippines returning from travelling
2 abroad; and

3 3) Aliens permanently residing in the Philippines who are not able to
4 obtain a passport or other travel documents from their countries of
5 origin.

6 c) Convention Travel Document which shall be valid for five (5) years from
7 the date of issuance, shall be issued for a Stateless person who is likewise
8 a permanent resident or a refugee granted such status or asylum in the
9 Philippines.

10 Sec. 16. *Loss or Destruction of a Passport.* – The loss or destruction of a
11 passport shall be immediately reported to the DFA or a Foreign Service Post. The
12 holder of such passport shall submit an affidavit stating in detail the circumstances
13 of such loss or destruction. As used in this Act, a lost passport is one the
14 whereabouts of which are unknown to the applicant despite diligent search, or if
15 known, may not be retrieved, recovered and produced by the applicant for reasons
16 beyond the applicant's control.

17 Should the DFA find that the applicant made false claims or deliberately
18 withheld information about the loss of the passport or passports, the applicant shall
19 be held liable under Section 19(b) of this Act.

20 Sec. 17. *Fees.* – Reasonable fees, as may be determined by the Secretary,
21 shall be collected for the processing and issuance of a passport or a travel
22 document.

23 Senior citizens and persons with disability shall be entitled to at least fifty
24 percent (50%) discount on the processing, issuance or replacement of a passport.

25 Sec. 18. *Establishment of an Online Application Portal and Electronic One Stop*
26 *Shop.* – The DFA, with the assistance and cooperation of other agencies involved in
27 the procurement and issuance of the requirements enumerated in Section 5 of this
28 Act, is mandated to establish and maintain an online application portal and Electronic
29 One Stop Shop readily accessible on its official website to facilitate convenience of
30 application and ease in gathering and submission of the requirements.

31 Sec. 19. *Passport Revolving Fund.* – The DFA may charge a service fee of not
32 more than fifty percent (50%) of the current fees, as determined in Section 16 of

1 this Act for services rendered to applicants relating to the processing or issuance of
2 passports requiring special consideration, waiver or issuance beyond regular office
3 hours.

4 The service fees rendered by the DFA under this section shall constitute a
5 revolving fund to be called the "Passport Revolving Fund" which may be utilized by
6 the DFA primarily for the improvement of its passporting and consular services and
7 other DFA services except travel and transportation allowances and expenses.

8 The use and disbursement of the Passport Revolving Fund shall be subject to
9 audit by the Commission on Audit. The Secretary shall submit a report on the
10 collection and use of the Passport Revolving Fund to the Senate and the House of
11 Representatives semi-annually.

12 Sec. 20. *Waiver.* – The Secretary is solely authorized to waive any
13 requirement set forth in Section 5 of this Act, as well as the fees for the processing
14 and issuance of passports and travel documents prescribed under Section 16 of this
15 Act.

16 Sec. 21. *Setting up of Special Lanes.* – The DFA shall arrange
17 accommodations to expedite the application and renewal of passports for senior
18 citizens, persons with disabilities (PWDs), pregnant women, overseas Filipino
19 workers (OFWs), and individuals with emergency and exceptional cases through the
20 creation of special lanes. The DFA shall also institute arrangements to expedite the
21 application and renewal for regular passports from the months of March to June for
22 Muslim Filipinos who are intending pilgrims to the annual hajj pilgrimage in
23 coordination with the National Commission for Muslim Filipinos (NCMF).

24 Sec. 22. *Offenses and Penalties.* – A passport, being a proclamation of the
25 citizenship of a Filipino, is superior to all other official documents and as such, shall
26 be accorded the higher respect by its holder. Any act prejudicial to its integrity is a
27 grave crime against the security of the State and shall be penalized accordingly:

28 a) Offenses relating to issuances; penalties. – A fine of not less than Fifteen
29 thousand pesos (P15,000.00) but not more than Sixty thousand pesos
30 (P60,000.00) and imprisonment of not less than six (6) years and one (1)
31 day not more than twelve (12) years shall be imposed to any person who:

- 1) Acts or claims to act in any capacity or office under the Republic of the Philippines without lawful authority, accepts passport applications, grants, issues or verifies any passport or travel document to any or for any person whomsoever, or is caught selling in whatever capacity passport application forms, or lost or stolen passports and travel documents; or
- 2) Acts or claims to act in any capacity, with the intention to profit thereby, intercepts a person proceeding to the DFA or any of its consular offices or Foreign Service Posts to apply for a passport, and persuades, entices, encourages, or misleads such applicant to course the application through another person or agency other than the DFA or its personnel on the pretext of facilitating its approval or issuance by the DFA; or
- 3) Being neither a diplomatic or consular official, nor an employee authorized to grant, issue, or verify any passport or travel document to or for any person, and even though not claiming to be such, offers, for any material gain or consideration, to escort a passport applicant, or assist the same in booking an appointment, filling out an application form, making payments, handling application documents, or any other action relating to passport application.

A fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand pesos (P60,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, and upon conviction, perpetual disqualification from holding public office shall be imposed to any person who:

- 1) Being a diplomatic or consular official authorized to grant, issue, or verify passports, knowingly and wilfully grants, issues, or verifies any such passport to any or for any person not owing allegiance to the Republic of the Philippines, whether citizen or not; or
- 2) Being a diplomatic or consular officer, knowingly and wilfully grants, issues, or certifies to the authenticity of any passport or travel document for any person not entitled thereto, or knowingly and wilfully

1 issues more than one (1) passport to any person except as provided
2 for in this Act.

3 b) Offenses relating to false statements; penalties. – A fine of not less than
4 Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand
5 pesos (P60,000.00) and imprisonment of not less than six (6) years and
6 one (1) day but not more than twelve (12) years shall be imposed to any
7 person who wilfully and knowingly:

8 1) Makes any false statement in any application for passport with the
9 intent to induce or secure the issuance of a passport under the
10 authority of the Philippine government, for any purpose, contrary to
11 this Act or rules and regulations prescribed pursuant hereto; or

12 2) Makes any false statement in an Affidavit declaring a passport as lost
13 while knowing its actual whereabouts or not exerting diligent effort to
14 retrieve, recover and produce the same; or

15 3) Uses or attempts to use any passport which was secured in any way by
16 reason of any false statement.

17 c) Offenses relating to forgery; penalties. – Any person who:

18 1) Falsely makes, forges, counterfeits, mutilates or alters any passport or
19 travel document or any supporting document for a passport
20 application, with the intent of using the same, shall be punished by a
21 fine of not less than Seventy-five thousand pesos (P75,000.00) but not
22 more than One hundred fifty thousand pesos (P150,000.00) and
23 imprisonment of not less than six (6) years but not more than fifteen
24 (15) years. The possession of the documents herein mentioned shall
25 be *prima facie* evidence of commission of the acts enumerated herein
26 and the intent to use the same; or

27 2) Wilfully or knowingly uses or attempts to use, or furnishes to another
28 for use any such false, forged, counterfeited, mutilated or altered
29 passport or travel document or any passport validly issued which has
30 become void by the occurrence of any condition herein prescribed shall
31 be punished by a fine of not less than Sixty thousand pesos
32 (P60,000.00) but not more than One hundred fifty thousand pesos

1 (P150,000.00) and imprisonment of not less than six (6) years but not
2 more than fifteen (15) years.

3 *Provided,* That forgeries of five or more passports or travel documents, would
4 be considered as massive forgery tantamount to national sabotage and shall be
5 punished by a fine of not less than Two hundred and fifty thousand pesos
6 (P250,000.00) nor more than One million pesos (P1,000,000.00) and imprisonment
7 of not less than seven (7) years nor more than seventeen (17) years.

8 d) Offenses relating to improper use of passports and travel documents;
9 penalties. – A fine of not less than Sixty thousand pesos (P60,000.00) but
10 not more than One hundred fifty thousand pesos (P150,000.00) and
11 imprisonment of not less than six (6) years but not more than fifteen (15)
12 years shall be imposed upon any person who wilfully and knowingly:

13 1) Uses or attempts to use any passport issued or designed for the use of
14 another or any supporting document for a passport application which
15 belongs to another; or

16 2) Uses or attempts to use any passport or supporting document in
17 violation of the conditions or restrictions therein contained, or of the
18 rules prescribed pursuant thereto; or

19 3) Furnishes, disposes, or delivers a passport to an person other than to
20 that in whose name and for whose use it was issued, except when the
21 applicant is a minor, a senior citizen, or physically or mentally
22 incapacitated and the passport is released to the parent, guardian or
23 immediate relative: *Provided,* That in case of any emergency and for
24 humanitarian reasons, at the discretion of the head of the Office of
25 Consular Affairs or the head of the Foreign Service Post, the passport
26 may be released to a third party upon the submission of a written
27 authorization from the applicant; or

28 4) Defaces or destroys a Philippine passport; or

29 5) Sells, trades, pawns, mortgages or uses an issued passport or travel
30 document as collateral to secure debt, or in any manner uses such
31 passport or travel document as current or object of commerce:

32 *Provided,* That in such situation, the buyer, trader, creditor, or

1 mortgagee shall also be liable to the same extent as the
2 passport/travel document holder;

3 e) Offenses relating to multiple possession of passports; penalties. – No
4 person or individual may hold more than one (1) valid passport, except as
5 provided for in Section 7 hereof, and any individual who possesses more
6 than one (1) unexpired passport shall, for every unexpired passport found
7 in the individuals possession, be punished by a fine of not less than Fifteen
8 thousand pesos (P15,000.00) but not more than Sixty thousand pesos
9 (P60,000.00) and imprisonment of not less than six (6) years and one (1)
10 day but not more than twelve (12) years: *Provided*, That the maximum
11 fine and imprisonment shall be imposed by the court for any attempt to
12 use or the actual use of an unexpired passport which is not in the name of
13 the user.

14 f) Offenses relating to forgery of visas and entry documents; penalties. – A
15 fine of not less than Fifteen thousand pesos (P15,000.00) but not more
16 than Sixty thousand pesos (P60,000.00) and imprisonment of not less
17 than three (3) years but not more than ten (10) years shall be imposed
18 upon any person who:

19 1) Knowingly forges, counterfeits, alters or falsely makes any immigrant
20 or non-immigrant visa, permit, border crossing card, alien registration
21 card, or other document prescribed by statute or regulation for entry
22 into or as evidence of authorized stay or employment in the Philippines
23 or elsewhere with the intent of using the same;

24 2) Knowingly use, attempts to use, possesses obtains, or receives any
25 such visa, permit, border crossing card, alien registration card, or other
26 document prescribed by statute or regulation for entry into or as
27 evidence of authorized stay or employment in the Philippines or
28 elsewhere, knowing it to be forged, counterfeited, altered or falsely
29 made, or to have been procured by means of any false claim or
30 statement, or to have been procured by means of any false claim or
31 statement, to have been otherwise procured by fraud or unlawfully
32 obtained: *Provided*, That the use of forged, counterfeited, altered or

1 falsely made visa, permit, border crossing card, alien registration card
2 or any entry document shall be prima facie evidence of knowledge of
3 its forgery, counterfeiting, alteration, or falsity; or

4 3) Knowingly possesses any blank permit or engraves, sells, brings into
5 the Philippines, or has the control or possession in any plate in the
6 likeness of a plate designed for the printing of permits, or makes any
7 print, photograph or impression in the likeness of any immigrant or
8 non-immigrant visa, permit, or other document required for entry into
9 the Philippines or elsewhere, or is in possession of the distinctive paper
10 which has been adopted by the DFA for the printing of such visas,
11 permits or other documents: *Provided*, That the person who forges,
12 counterfeits, alters or false makes any immigrant or non-immigrant
13 visa, permit, border crossing card, alien registration card or other entry
14 document shall be punished by a fine of not less than Sixty thousand
15 pesos (P60,000.00) but not more than One hundred fifty thousand
16 pesos (P150,000.00) and imprisonment of not less than six (6) years,
17 but not more than fifteen (15) years for each visa or entry document.

18 g) Offenses relating to illegal withholding of passport; penalties. – Any
19 person who confiscates, retains, or withholds, without any legal authority,
20 any valid passport issued by the DFA shall be guilty of the crime of illegal
21 withholding of passport: *Provided*, That the act of withholding or denying
22 passports or travel documents from applicant workers before departure,
23 for monetary or financial considerations, or for any other reasons, other
24 than those authorized under the Labor Code and its implementing rules
25 and regulations, shall continue to be considered as “illegal recruitment”
26 and be penalized as such crime under Section 6 (k) and Section 7,
27 respectively, of Republic Act No. 8042, otherwise known as the Migrant
28 Workers and Overseas Filipinos Act of 1995, as amended by Republic Act
29 No. 10022.

30 Any person found guilty of the crime of “Illegal Withholding of Passport”
31 shall suffer the penalty of imprisonment of not less than six (6) years and
32 one (1) day but not more than twelve (12) years, and shall pay a fine of

1 not less than One million pesos (P1,000,000.00) but not more than Two
2 million pesos (P2,000,000.00).

3 If the offender is a public official, in addition to the prescribed penalties,
4 the offender shall be dismissed from service and shall suffer perpetual
5 absolute disqualification to hold office.

6 If the offender is a corporation, partnership, association, or any juridical
7 person, then the penalty shall be imposed upon the president, partner,
8 manager, and/or any responsible officer of the organization who directly
9 participated in the commission of the violation of this Act and allowed its
10 perpetuation and continuance: *Provided*, That in every case, the criminal
11 conviction of the liable officer/s shall cause and carry the automatic
12 revocation of the business license and/or special certificate of accreditation
13 or certificate of registration of corporation, partnership, association or
14 juridical person: *Provided further*, That these entities and their officers
15 who are criminally held liable for the violation of this Act shall not be
16 allowed to operate similar establishments under different names. If the
17 offender is an alien in the Philippine territory, in addition to the penalties
18 above, the alien shall be deported after serving the sentence and be
19 permanently barred from entering the country.

20 h) The penalties provided for under this Section shall be imposed in their
21 maximum when the offenses are committed by a syndicate or in large
22 scale.

23 i) In case any of the offenses prohibited in this Act constitutes a violation of
24 the Revised Penal Code and the penalty imposed therein is higher than
25 that provided in this Act, the penalty prescribed in this Act shall be
26 imposed.

27 *Sec. 23. Implementing Rules and Regulations.* – The Secretary shall issue the
28 rules and regulations to effectively implement the provisions of and carry out the
29 policy set forth in this Act within sixty (60) days from the effectivity of this Act.

30 *Sec. 24. Separability Clause.* – If any provision or part hereof is held invalid or
31 unconstitutional, the remainder of the law or the provision or part not otherwise
32 affected shall remain valid and subsisting.

1 *Sec. 25. Repealing Clause.* – Republic Act No. 8239, otherwise known as the
2 “Philippine Passport Act of 1996,” is hereby repealed. Any law, presidential decree or
3 issuance, executive order, letter of instruction, administrative order, rule, or
4 regulation contrary to or inconsistent with the provisions of this Act are hereby
5 repealed, modified, or amended accordingly.

6 *Sec. 26. Effectivity.* – This Act shall take effect fifteen (15) days after its
7 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,