



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

'22 AUG 16 P2:32

SENATE
S. No. 1185

RECEIVED BY:

Introduced by Senator Christopher Lawrence "Bong" T. Go

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, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Bureau of Immigration acts as the primary enforcement arm of the government in ensuring that all foreigners within the Philippines' territorial jurisdiction comply with existing laws. It is principally responsible for the administration and enforcement of immigration, citizenship, alien admission, and other laws in accordance with the provisions of the Philippine Immigration Act of 1940

The Commonwealth Act of 1940 which provided the mandate of the Bureau of Immigration is an outdated law passed during the American regime. While amendments have been introduced over the years, the immigration system needs to be updated to reflect present challenges of the modern times.

Furthermore, outdated mechanisms affect the functions and efficiency of the agency to provide quality service to the people. Therefore, there is a pressing need to modernize the Bureau of Immigration.

This proposed measure intends to upgrade the existing positions of the officials and employees of the agency to adequately meet the country's rapidly increasing immigration services. The creation of new positions under this bill could boost productivity and efficiency of the Bureau of Immigration. This bill also seeks to improve the salary grade, emoluments, and other benefits received by the officials and employees to properly compensate their hard work and to address the apparent disparity among agencies performing comparable functions.

This bill also addresses the present challenges that confront the antiquated immigration system in the country by considering new and emerging forms of threats, such as child sexual abuse, and cross-border terrorism.

In view of the foregoing, the approval of this measure is earnestly sought.



SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE
COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

**TITLE I
GENERAL PROVISIONS**

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4 Sec. 1. *Short Title.* — This Act shall be known as "The Bureau of Immigration
5 Modernization Act of 2022"

6
7 Sec. 2. *Declaration of Policy.* — In the conduct of its relation with other States,
8 the Philippines shall give paramount consideration to national sovereignty, territorial
9 integrity, national security, national interest, the right to self-determination, the
10 enhancement of economic diplomacy, and the protection of overseas Filipinos in
11 destination countries, as it adheres to the policy of peace, cooperation and amity with
12 all nations. Towards this end, Philippine immigration policies, rules and regulations
13 under this Act shall be applied and administered as instruments for the promotion of
14 domestic and external interests of the Philippines, in recognition of:

1 instruments for the promotion of domestic and external interests of the Philippines,
2 in recognition of:

3 a. The admission of foreign nationals for the purpose of encouraging and
4 enhancing capital investments, trade and commerce, cultural exchanges
5 and other forms of friendly relations and cooperation;

6

7 b. The need to support the country's technological and scientific
8 development;

9

10 c. The promotion of conditions for social welfare and economic security of
11 the people;

12

13 d. The fulfillment of obligations and compliance with standards set by
14 international law in the admission or exclusion of foreign nationals;

15

16 e. The modernization of structures and mechanisms necessary for the
17 administration of immigration laws in keeping with the changing demands
18 of the country's role in the global community; and

19

20 f. The professionalization of the immigration service by instituting a rigid
21 system of screening and selection of immigration officials and employees
22 and promoting their development.

23

24 *Sec. 3. Definition of Terms. — As used in this Act:*

25

26 a. *Admission* – refers to the process by which a foreign national arriving at a
27 port of entry in the Philippines is allowed into the country by the
28 immigration authorities;

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30 b. *Border Control Officer* – refers to any person tasked to man the Border
31 Station authorized as provided under Sec. 35 of this Act;

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- c. *Captain* – refers to the master of a vessel or pilot of an aircraft;

- d. *Child* – refers to a person below eighteen (18) years of age;

- e. *Citizen* – refers to any person who is a citizen of the Philippines under Sec. 1, Article IV of the 1987 Constitution of the Republic of the Philippines;

- f. *Consular Officer* – refers to any consular, diplomatic, or other officer of the Department of Foreign Affairs (DFA) who has been duly granted a consular commission for the purpose of issuing visas under this Act;

- g. *Derogatory Information* – refers to details about persons and travel documents relating to immigration consisting of the following:
 - 1. *Blacklist Order* – refers to an order issued by the Commissioner that prevents a foreign national from entering the territorial jurisdiction of the Philippines;

 - 2. *Hold Departure Order* – refers to an order issued by the Commissioner preventing a foreign national from leaving the territorial jurisdiction of the Philippines in cases where bail or recognizance is granted pending implementation of a Summary Deportation Order, or a directive implementing an order from the Regional Trial Courts, the *Sandiganbayan*, or the appellate courts to prevent a person from leaving the territorial jurisdiction of the Philippines; and

 - 3. *Watchlist Order* – refers to an order issued by the Commissioner under this Act that requires immigration personnel to monitor the travel of any person for a period of sixty (60) days, extendible for another sixty

1 (60) days and to notify the concerned government agencies of the
2 Philippines;

3
4 h. *Entry* – refers to the arrival of a foreign national into any designated port
5 of entry in the Philippines from a place outside the Philippine territorial
6 jurisdiction. A foreign national having a lawful permanent residence in the
7 Philippines shall not be regarded as making an entry for the purpose of
8 this Act if such foreign national proves that the departure to a place
9 outside the Philippines was for a temporary or limited period, or the
10 continued absence from the Philippines was occasioned by deportation
11 proceedings, extradition, or other legal process;

12
13 i. *Exclusion* – refers to the act of Immigration Personnel denying admission
14 of a foreign national into the country on grounds provided under Sec. 77,
15 Chapter IV of this Act;

16
17 j. *Foreign National* – refers to any person who is not a citizen of the
18 Philippines;

19
20 k. *Immigrant* – refers to any foreign national, other than a non-immigrant,
21 departing from any place outside the Philippines destined for the
22 Philippines;

23 l. *Immigration laws* – refer to this Act and any other law presently existing
24 or which may hereafter be enacted relating to the movement of natural
25 persons to and from the Philippines;

26
27 m. *Immigration Officer* – refers to any person appointed under Sec. 25 this
28 Act or any employee designated by the Commissioner to perform the
29 powers, duties and functions of an Immigration Personnel as specified
30 under this Act;

31

- 1 n. *Non-immigrant* – refers to any foreign national departing from any place
2 outside the Philippines who is allowed entry and admission into the
3 Philippines for a temporary or limited period of stay;
4
- 5 o. *Non-refoulement* – refers to a principle of international law which prohibits
6 the forced return of refugees to the state or territory where their lives or
7 liberty would be threatened;
8
- 9 p. *Passport* – refers to a document issued by the Philippine government to its
10 citizens pursuant to Republic Act No. 8239, otherwise known as "*The*
11 *Philippine Passport Act of 1996*", as amended;
12
- 13 q. *Person* – refers to a natural or juridical person such as but not limited to
14 partnerships, corporations, companies, and associations;
15
- 16 r. *Port of entry* – refers to any port designated by the Commissioner through
17 which a foreign national may enter or exit the Philippines;
18
- 19 s. *Refugee* – refers to a person who, owing to a well-founded fear of being
20 persecuted for reasons of race, religion, nationality, membership in a
21 particular social group, or political opinion, is outside the country of
22 nationality, and is unable or, owing to such fear, is unwilling to avail of the
23 protection of that country; or who, not having a nationality and being
24 outside the country of former habitual residence, is unable or, owing to
25 such fear, is unwilling to return to it;
26
- 27 t. *Seaman, Seafarer or Crewmember* – refers to a person actually employed
28 in the operation or service in any capacity on board a vessel;
29
- 30 u. *Stateless Person* – refers to a person who is not considered a national by
31 any State under the operation of its laws;

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v. *Travel document* – refers to a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Sec. 13 of Republic Act No. 8239, otherwise known as “The Philippine Passport Act of 1996;”

w. *Vessel* – refers to all means of conveyances, whether aircraft or sea craft; and

x. *Visa* – refers to an endorsement on a passport or any travel document issued by an Immigration Attaché abroad authorizing the holder thereof to proceed to a designated port of entry in the Philippines and there to apply for entry and admission under the status specified therein; or immigration status granted and/or issued to foreign nationals by the Commissioner or the Board under this Act.

TITLE II
THE BUREAU OF IMMIGRATION

CHAPTER 1
THE BUREAU

Sec. 4. *Creation.* — The Bureau of Immigration, hereinafter referred to as the Bureau, shall be under the control and supervision of the Department of Justice (DOJ). The Bureau shall be principally responsible for the administration and enforcement of this Act, and the implementation of all laws, rules regulations or orders of any competent authority concerning the entry and admission into, stay in

1 and the departure from the Philippines of all persons. Its personnel shall be
2 considered as the gatekeepers and border control officers of the country.

3

4 *Sec. 5. Composition and Qualification.* — The Bureau shall be administered by
5 the Board of Commissioners, hereinafter referred to as the Board headed by the
6 Commissioner as Chairperson, and two (2) Deputy Commissioners as members, all
7 of whom shall be natural-born citizens of the Philippines, holders of a college degree
8 and with proven capacity for administration and, at the time of their appointment, at
9 least thirty-five (35) years of age: *Provided further,* That at least one of the
10 members shall be member of the Philippine Bar in good standing for at least five (5)
11 years as of the date of appointment.

12

13

CHAPTER 2

14

THE BOARD OF COMMISSIONERS

15

16 *Sec. 6. Powers and Functions of the Board.* – The Board shall have the
17 following powers and functions:

18

19 a. Quasi-judicial:

20

21 1. Decide on applications or cases relative to:

22

23 i. Deportation;

24

25 ii. Revocation of immigration status;

26

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

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

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v. Declaration of Indigence; and

vi. Legalization of residence in accordance with law.

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

b. Rule-making:

1. Prescribe and promulgate rules of procedure for proceedings before it;

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

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

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

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

Decisions in deportation cases may be appealed to the Secretary of the DOJ within fifteen (15) days from receipt thereof by the concerned parties. The decision of the Secretary of the DOJ shall be final and immediately executory unless stayed

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- c. Issue (1) letter orders after determination of the existence of probable cause for the purpose of deportation; (2) commitment or release orders; (3) warrant of deportation; (4) order to inspect the documents, premises and records of persons covered by this Act; and (5) derogatory information orders defined in Sec. 3(h) of this Act;

- d. Delegate authority to subordinate immigration personnel and employees, except the powers and functions enumerated in the immediately preceding paragraph, which may be delegated only to a Deputy Commissioner;

- e. Act on applications for extension of visas;

- f. Control the opening and closure of posts, landing places, airports or ports classified as points of entry or exit, whether limited or unlimited;

- g. Increase, reduce or waive immigration fees, fines, penalties and other charges;

- h. Issue Certificates of Naturalization and Identification to foreign nationals who have been granted Philippine citizenship;

- i. Deputize, subject to the concurrence of the Board, any official or employee of the national government and local government units, including uniformed personnel of the Armed Forces of the Philippines, the Philippine National Police and the Philippine Coast Guard to assist immigration personnel in the performance of duties and functions;

- j. Authorize and prescribe, with the concurrence of the Board, the form and the amount of cash bonds for the provisional release of respondents in

1 deportation proceedings;

2

3 k. Impose reasonable fines and penalties for violations of immigration and
4 alien registration laws in accordance with this Act and the guidelines
5 adopted by the Board;

6

7 l. Accept donation of materials, equipment or technical services from any
8 foreign government, international or domestic organization, to upgrade
9 the efficiency and operations of the Bureau;

10

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

19

20 n. Determine the manning levels of immigration officers of the Bureau
21 nationwide in accordance with the number of arrivals in each port of entry
22 as determined by the Board: *Provided*, that for every three hundred (300)
23 passengers there shall be one (1) immigration personnel in an eight-hour
24 shift;

25

26 o. Exercise disciplinary authority over personnel of the Bureau charged with
27 less grave and light administrative offenses, in accordance with the
28 Revised Rules on Administrative Cases in the Civil Service (RRACS):
29 Provided, That the disciplinary authority over those charged with grave
30 administrative offenses under RRACS shall belong to the Secretary of the
31 DOJ;

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- p. Prepare and submit a supplemental budget for the consideration of the Department of Budget and Management (DBM);
- q. Prescribe, with the concurrence of the Board, the appropriate forms, bonds, reports, entries and other papers in accordance with this Act; and
- r. Perform such other functions as are inherent to the Bureau.

10 *Sec. 12. Appointment and Rank of Deputy Commissioners.* — There shall be
11 two (2) Deputy Commissioners who shall be appointed by the President. They shall
12 have the rank, salary and privileges of an Assistant Secretary of a Department.
13

14 *Sec. 13. Duties of Deputy Commissioners.* — In addition to their duties as
15 members of the Board, the Deputy Commissioners shall supervise a minimum of two
16 (2) Directorates and one (1) regional office each as determined by the
17 Commissioner.
18

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

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

25

CHAPTER 4

1 **THE BOARD SECRETARY**

2
3 Sec. 15. *Qualifications of the Board Secretary.* – There shall be a Board
4 Secretary of the Board of Commissioners who must be a natural-born citizen of the
5 Philippines, at least thirty (30) years of age and a member of the Philippine Bar in
6 good standing at least five (5) years prior to the appointment.

7
8 Sec. 16. *Powers and Duties.* – The Board Secretary shall:

- 9
10 a. Attend in and take minutes of all meetings of the Board;
- 11
12 b. Prepare the agenda for the deliberations of the Board on Visa application;
- 13
14 c. Prepare the agenda for the deliberations of the Board on deportation
15 cases as endorsed by a Member of the Board after initial review;
- 16
17 d. Implement the decision of the Board approving visa applications, including
18 revalidation;
- 19
20 e. Keep and manage all records of the deliberation of the Board;
- 21
22 f. Advise the members of the Board on all matters relative to compliance
23 with relevant laws and requirements of regulatory authorities; and
- 24
25 g. All other functions as may be directed by the Board.

26
27 **CHAPTER 5**

28 **THE BOARDS OF SPECIAL INQUIRY**

29
30 Sec. 17. *Constitution of the Boards of Special Inquiry.* – There shall be
31 constituted as many Boards of Special Inquiry (BSI) as required in the exigency of

1 service but not more than twelve (12). Each Board shall be composed of a
2 Chairperson and two (2) members. The Overall Chairperson of the BSI shall sit as
3 the Chairperson of the First Board of the BSI. The BSI shall be designated according
4 to their areas of specialization to be determined by the Board.

5

6 *Sec. 18. Appointment and Qualification of the Chairpersons and Members of*
7 *the BSI.* – The Chairpersons and members of the BSI shall be appointed by the
8 Commissioner, all of whom shall be natural-born citizens of the Philippines and, at
9 the time of their appointment, at least thirty (30) years of age, members of the
10 Philippine Bar in good standing and engaged in the practice of law for at least three
11 (3) years.

12

13 *Sec. 19. Powers and Functions of the BSI.* – The BSI shall:

14

15 a. Recommend to the Board for final resolution cases and applications
16 relative to:

17

18 1. Deportation;

19

20 2. Revocation of immigration status;

21

22 3. Recognition of Philippine citizenship by reason of birth, or marriage;

23

24 4. Legalization of residence in accordance with law; and

25

26 5. Issuance of visa for stateless person.

27

28 b. Issue subpoena in cases being heard by the BSI;

29

30 c. In the exercise of its quasi-judicial functions, cite and punish persons for
31 contempt in accordance with the Rules of Court;

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- d. Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties and other charges subject to existing laws, rules and regulations;
- e. Administer oaths;
- f. Promulgate rules and regulations governing matters within its assigned mandate subject to the approval of the Board; and
- g. Perform such other duties and functions as may be directed by the Commissioner and the Board.

Sec. 20. Proceedings Before the BSI. – The proceedings before the BSI shall be public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only members of the Philippine Bar in good standing shall appear for and in behalf of any party before the BSI.

Sec. 21. Creation of Positions under the BSI. – The following positions with the corresponding salary grades are hereby created under the BSI:

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

CHAPTER 6
DIRECTORATES AND OTHER OPERATING OFFICES OF THE BUREAU

Sec. 22. Directorates and Other Operating Offices of the Bureau. — The Bureau shall have the following directorates and other operating offices, namely:

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- a. Directorates:
 - 1. Administration;
 - 2. Finance and Logistics;
 - 3. Information and Communications Technology;
 - 4. Planning and Research;
 - 5. Alien Registration;
 - 6. Immigration Regulation;
 - 7. Intelligence;
 - 8. Law Enforcement;
 - 9. Operations;
 - 10. Legal Affairs; and
 - 11. Human Resource Management and Development.

- b. Regional Offices that shall be created by the Board according to political or administrative regions.

- c. Districts:
 - 1. Major Airports; and

1 b. Civil Service Eligibility

2

3 c. Relevant Experience

4

5 d. Training

6

7 1. Basic

8

9 2. Advanced

10

11 3. Executive

12

13 e. Ability

14

15 *Sec. 26. Powers and Functions of Immigration Officers.* – The Immigration
16 Personnel shall have the following powers and functions:

17

18 a. Examine, with the assistance and advice of medical authorities in
19 appropriate cases, foreign nationals at the port of entry concerning their
20 admissibility to enter and their qualifications to remain in the Philippines;

21

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

25

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

27

28 d. Within lawful bounds, search for foreign nationals on any vessel
29 reasonably believed to be used to illegally bring foreign nationals into the
30 Philippines, and to take into custody any foreign national who in one's

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

3
4 e. Act as control personnel with authority to prevent the departure of
5 passengers who do not comply with duly published departure
6 requirements;

7
8 f. Detect and report violations of the immigration and registration laws and,
9 in appropriate cases, take the required necessary actions upon the
10 instructions of the Commissioner, including follow-up on the stay of non-
11 immigrants to prevent overstaying;

12
13 g. Detect and report subversive activities of aliens in the interest of national
14 security;

15
16 h. Investigate any case at the instance of the Commissioner and submit the
17 required reports;

18
19 i. Report on the activities of aliens inimical to national interest with a view to
20 taking appropriate action in accordance with law;

21
22 j. Locate and conduct surveillance against foreign nationals in violation of
23 immigration laws, rules and regulations;

24
25 k. Provide actionable operational, tactical and strategic intelligence to the
26 operating units;

27
28 l. Conduct case build up, analysis and other in-depth research, as well as
29 provide analytical reports on foreign nationals who violate or are in
30 violation of immigration laws, rules and regulations;

31

- 1 m. Coordinate with other local and international law enforcement agencies in
2 the gathering of intelligence information related to immigration law
3 violations;
4
- 5 n. Conduct counter intelligence operations;
6
- 7 o. Enforce the immigration laws relating to the exclusion, deportation and
8 repatriation of aliens;
9
- 10 p. Take charge of the physical detention of aliens pending their exclusion,
11 deportation or repatriation;
12
- 13 q. Attend to the deportation of aliens;
14
- 15 r. Monitor all arriving and departing suspected terrorists, drug couriers and
16 members of crime syndicates;
17
- 18 s. Assist and escort deportees, excluded passengers and transiting restricted
19 passengers until finally boarded;
20
- 21 t. Assist in the queuing of passengers at the arrival and departure areas;
22
- 23 u. Investigate and escort from ports of entry intercepted passengers who are
24 found in possession of spurious travel documents;
25
- 26 v. Warrants of Deportation (WOD) and Mission Orders involving foreign
27 nationals who violate or are in violation of immigration laws, rules and
28 regulations; and
29
- 30 w. Perform such other functions as may be assigned by the Commissioner
31 from time to time.

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

Sec. 27. Deployment of Immigration Personnel Abroad. – Within ninety (90) days from the effectivity of this Act, the Bureau shall promulgate the implementing rules and regulations on the assignment and deployment of immigration personnel to select consular posts abroad who shall, subject to the pertinent provisions of Republic Act No. 7157 or the "Philippine Foreign Service Act of 1991," perform immigration duties, except diplomatic and consular functions.

CHAPTER 8
PLANNING AND RESEARCH

Sec. 28. Immigration Research Specialist. – No person shall be appointed to the position of Immigration Research Specialist unless such person meets the qualification standards set by the Bureau. The Immigration Research Specialists shall perform the following duties:

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

- 1 d. Provide assistance to the Board in the implementation and establishment
- 2 of a risk management process;
- 3
- 4 e. Implement a monitoring feedback measurement and evaluation system for
- 5 the implementation of projects and programs;
- 6
- 7 f. Represent the Board in meetings relating to Planning and Research; and
- 8
- 9 g. Perform such other tasks as may be directed by the Commissioner.

10

11 *Sec. 29. Creation of Positions; Directorate for Planning and Research.* – The

12 following positions with corresponding salary grades are hereby created:

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

13 **CHAPTER 9**

14 **HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT**

15

16 *Sec. 30. Human Resource Management Officer.* – No person shall be

17 appointed to the position of Human Resource Management Officer unless such

18 person meets the qualification standards set by the Commission. The Human

19 Resource Management Officers shall perform the following duties:

20

- 1 a. Develop and execute human resource strategies in support of the overall
- 2 plan and strategic direction of the Commission especially in the areas of
- 3 selection, hiring and promotion;
- 4
- 5 b. Design employee training modules;
- 6
- 7 c. Develop comprehensive strategic recruiting and retention plans to meet
- 8 the human capital of strategic goals;
- 9
- 10 d. Oversee the recruitment, selection and promotion of employees;
- 11
- 12 e. Prepare schemes to strengthen the relationship between management and
- 13 employees;
- 14
- 15 f. Set qualification standards and implement competency-based hiring and
- 16 promotion policies;
- 17
- 18 g. Set performance standards for the employees of the Commission in order
- 19 to meet the objectives, plans and programs of the Commission; and
- 20
- 21 h. Perform such other tasks as may be directed by the Commissioner.
- 22

23 **Sec. 31. *Creation of Positions; Directorate for Human Resources Management***
 24 ***and Development.*** – The following positions with the corresponding salary grades
 25 are hereby created under the Directorate for Human Resources Management and
 26 Development:

POSITION	SALARY GRADE
Chief Human Resource Management Officer	28
Supervising Human Resource Management Officer	25

Human Resource Management Officer III	23
Human Resource Management Officer II	21
Human Resource Management Officer I	17
HR Management Assistant	15

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**CHAPTER 10
CAREER DEVELOPMENT PATTERN**

Sec. 32. *Career Development.* – The Bureau shall:

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

**CHAPTER 11
OTHER OFFICES**

Sec. 33. *Field Offices of the Bureau.* – The Bureau shall operate and maintain a field office in each of the administrative or political regions, including the National Capital Region.

Sec. 34. *Changes in the Composition, Distribution of Assignment of Field Offices.* – The Commissioner may make changes in the composition, distribution and assignment of field offices, as well as its personnel, based on the demographics of the foreign nationals and as the exigency of the service requires.

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

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

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

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

21
22 Citizens from a country that has an investor treaty with the Philippines,
23 including their family members, and who come to work in the Philippines
24 for a business they own or one that is at least fifty percent (50%) owned
25 by nationals of their home country and which business is supported by a
26 substantial investment from nationals of their home country shall be
27 granted a D-2 visa;

28
29 e. Accredited Foreign Government Officials, Their Families and Household
30 Member (E Visas): Foreign government officials, their families and
31 household members coming to the country for official purpose, pursuant

1 to international conventions and bilateral agreements, shall be granted E
2 Visas divided into four (4) types, namely:

3
4 1. Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the
5 following classes of foreign nationals:

6
7 i. Heads of State and/or Heads of Government and their personal
8 representatives;

9
10 ii. Members of reigning royal families from countries recognized by
11 the Philippine Government;

12
13 iii. Governors-General, Governors, and High Commissioners of
14 dependent territories and their personal representatives;

15
16 iv. Cabinet ministers and their deputies, and officials with cabinet
17 rank of ministers;

18
19 v. Presiding officers of national legislative bodies;

20
21 vi. Justices or judges of the highest national judicial bodies;

22
23 vii. Diplomats and career consular officials on foreign assignment in
24 the Philippines;

25
26 viii. Military, naval, air and other attaches assigned to a diplomatic
27 mission; and

28
29 ix. Accompanying spouses and unmarried dependents of foreigners
30 within the abovementioned categories;

31

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

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

- 9
10 i. Administrative and technical members of the staff of a diplomatic
11 or consular mission;
12
13 ii. Officials participating in programs under the auspices of the
14 Philippine Government or recognized international institutions; and
15
16 iii. Accompanying spouses and unmarried dependents of foreigners
17 within the abovementioned categories;

18
19 3. Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official
20 of a foreign government recognized by the Philippines, is a national of
21 the country whose government he represents, and is proceeding to the
22 Philippines on a short-term basis in connection with official business for
23 such foreign official's government.

24
25 This category includes, *inter alia*, the following classes of foreign
26 nationals:

- 27
28 i. Diplomatic couriers regularly and professionally employed as such;
29
30 ii. All members of official special missions of a diplomatic character;

31

1 iii. Members of delegations proceeding to or from an international
2 conference of a diplomatic or official nature; and

3
4 iv. Such other officials going to the Philippines on diplomatic or official
5 missions;

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

10
11 All visas under enumerated in Sec. 36(e) of this Act shall be exclusively
12 issued and renewed by the DFA, which shall also determine the type of E-
13 Visa of Foreign Government Officials not identified in the foregoing lists.
14 The grant of immunities and privileges shall be subject to applicable
15 domestic and international law and international agreements to which the
16 Philippines is a party, as well as in consideration of the principle of
17 reciprocity.

18
19 f. Students (F Visa): Foreign students having means sufficient for their
20 support and education in the Philippines who seek to enter the Philippines
21 temporarily for the sole purpose of taking up a course of study higher
22 than high school at a university, seminary, academy or college accredited
23 to admit such foreign students by the Commission on Higher Education in
24 coordination with the Bureau;

25
26 g. Prearranged Employment (G Visa): Foreign nationals coming to the
27 Philippines on prearranged employment, including their family members
28 accompanying or following to join them within the period of their
29 employment. This category includes intra-company transferees,
30 professionals, performing artists, athletes, and cultural exchange workers
31 under a work exchange program;

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

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

1. Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal officials of international organizations, as well as their accompanying wives and dependents;
2. Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other officials and staff of international organizations, as well as their accompanying spouses and dependents;
3. Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and staff of international organizations who will perform short-term official work with the international organization upon its invitation; and
4. Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the private employees and household members of persons to whom E-1 and E-2 visas have been granted, as well as their immediate dependents.

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

10
11 All types of visas under Sec. 36(i) of this Act shall be exclusively issued
12 and renewed by the DFA, which shall also determine the type of I Visa of
13 officials and staff of International Organizations who are not identified in
14 the foregoing list. The grant of immunities and privileges shall be subject
15 to applicable domestic and international law, relevant Headquarters
16 Agreements, and international agreements to which the Philippines is a
17 party.

18
19 j. Media Workers (J Visa): Foreign media personnel or correspondents, duly
20 accredited by the government agency concerned, who are bona fide
21 representatives of a foreign press, radio, satellite, television, film, or other
22 information media, and are coming to the Philippines solely to engage in
23 gathering information principally for dissemination abroad, including their
24 family members accompanying or following to join them during the period
25 of the assignment in the Philippines;

26
27 k. Exchange Visitors (K Visa): Foreign nationals entering the Philippines to
28 teach, study, observe, conduct research or receive training in a specific
29 Exchange Visitor Program duly approved by the Philippine Government;

30

1 exceptional ability in the sciences, arts, professions, or business as would
2 reasonably enhance and contribute substantial benefits prospectively to
3 the national economy, or cultural or educational interests or welfare of the
4 Philippines, including their family members, accompanying or following to
5 join them, who shall likewise be allotted individual quota numbers;

6
7 b. Second Preference: Parents of a naturalized Philippine citizen;

8
9 c. Third Preference: Spouses or minor children of foreign nationals who are
10 lawful permanent residents of the Philippines; and

11
12 d. Fourth Preference: Parents of foreign nationals who are lawful permanent
13 residents of the Philippines.

14
15 *Sec. 38. Allotment of Quota.* — The Commissioner shall, with respect to the
16 first preference, allot not more than fifty percent (50%) of the annual quota
17 allotment up to the end of June each year: Provided, That if the fifty percent (50%)
18 is not utilized by the first preference, the balance thereof shall be given to the
19 second, third, and fourth preferences in accordance with Sec. 37 of this Act shall be
20 that of the country of which the immigrant is a national or a citizen. Any unused
21 quota allotment for a calendar year shall not be carried over and utilized for the
22 ensuing calendar year.

23
24 *Sec. 39. Basis in Determination of Quota Allotment.* — The nationality of
25 immigrants whose admission is subject to the numerical limitation imposed by Sec.
26 37 of this Act shall be that of the country of which the immigrant is a national or a
27 citizen. The nationality of immigrants possessing dual nationality may be that of
28 either of the two countries regarding them as a national or citizen if they apply for a
29 visa in a third country. If such immigrants apply for a visa within one of the two
30 countries regarding them as a national or citizen, their nationality shall be that of the
31 country in which they filed their application for a visa to enter the Philippines.

1

2 Sec. 40. *Non-Quota Immigrants.* — The following immigrants, known as "non-
3 quota immigrants," may be admitted without regard to numerical limitation and
4 immigration reciprocity:

5

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

13

14 b. A person of Filipino descent regardless of generation;

15

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

20

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

23

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

27

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

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

CHAPTER 3
NATIVE-BORN FOREIGN NATIONAL

Sec. 41. *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.

Sec. 42. *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 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. 43. *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

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c. A quota immigrant visa, if such is the case, 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. 44. Effect of Approval on Application for Adjustment. — Upon the approval of an application for adjustment of status under the preceding Sec., 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 Sec. 37 of this Act.

Sec. 45. 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.

Sec. 46. Loss of Status. – A registered foreign national, except a temporary visitor, who fails to return to the Philippines within a period of one (1) year from departure shall lose the status granted under Title III of this Act. Such foreign national may apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges in order to maintain the status or type of visa granted.

1 **CHAPTER 5**

2 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

3
4 *Sec. 47. Documentary Requirements of Non-immigrants.* – Non-immigrants
5 must present for admission into the Philippines valid passports issued by the
6 governments of the countries to which they owe allegiance or other travel
7 documents showing their nationality and identity as prescribed by regulations, a
8 valid visa granted by the Philippine Immigration Attaché, if required, and such other
9 relevant documents as may be required under existing laws, rules, regulations, or
10 multilateral or bilateral agreements.

11
12 *Sec. 48. Conditions and Period of Authorized Stay of Temporary Visitors.* —
13 The initial period of authorized stay of a foreign national admitted as a temporary
14 visitor under Sec. 37(a) of this Act shall not exceed fifty-nine (59) calendar days
15 from the date of arrival, subject to bilateral, regional and multilateral visa
16 agreements entered into by the Philippines: *Provided,* That the conditions for
17 extensions and total period of authorized stay shall be prescribed by the
18 Commissioner: *Provided, further,* That during the foreign national's authorized stay,
19 such foreign national: (a) shall not take any employment, whether paid or unpaid;
20 (b) shall not establish or join in any business; and (c) shall not enroll or become a
21 student at a school, college, university, academy, or other educational institution,
22 unless granted, upon proper application, a conversion to another immigration status
23 provided under this Act.

24
25 *Sec. 49. Conditions for Issuance of Pre-Arranged Employment Visas.* — A
26 foreign national who is coming to the Philippines for prearranged employment shall
27 not be issued a non-immigrant visa referred to in Sec. 36(g) until the Immigration
28 Attaché shall have received authorization for the issuance of the same. Such
29 authorization shall be given only upon the filing of a petition with the Board
30 establishing, among others, that no person can be found in the Philippines willing
31 and competent to perform the work or service for which the foreigner is desired and

1 that the admission would be beneficial to the public interest. The petition shall be
2 under oath by the prospective employer or the latter's representative in the form
3 and manner prescribed by the Board.

4

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

8

9 *Sec. 50. Submission of Crew List and Passenger Manifest.* – Simultaneous to
10 the vessel's departure from the port of origin, the master, captain, agent, owner or
11 consignee of any commercial vessel arriving to the Philippines shall submit to the
12 Bureau, within a reasonable time prior to such arrival, the crew lists, passenger
13 manifests and such other information concerning the persons arriving on such a
14 vessel. In the same manner and condition, the master, captain, agent, owner or
15 consignee of any commercial vessel departing from any port in the Philippines shall
16 submit to the Bureau, within a reasonable time prior to such departure, the crew list,
17 passenger manifest and such other information concerning the persons departing on
18 such vessel. The crew list of an incoming sea craft shall contain the appropriate visa
19 granted by the Consular Officer.

20

21 *Sec. 51. Inspection of Crewmembers.* – It shall be the duty of the master,
22 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
23 available on board, for inspection by the Immigration Personnel, any foreign
24 crewmember employed on such vessel and, when required by the immigration
25 authorities, to detain such crewmember on board after inspection or to remove such
26 crewmember. No crewmember on board such vessel shall be discharged while the
27 vessel is in port without the permission of the Commissioner.

28

29 *Sec. 52. Permission for Temporary Landing of a Foreign Crewmember.* — A
30 foreign crewmember on a vessel arriving in the Philippines may be permitted to land
31 temporarily under such conditions as may be prescribed by the Commissioner. All

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

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

7 *Sec. 53. Documentary Requirements of Immigrants; Instances When Not*
8 *Required.* — Immigrants must present for admission into the Philippines valid
9 passports or travel documents issued by the government of the country to which
10 they owe allegiance, showing their nationality and identity and valid immigrant visas
11 indicating the date of issue and the period of validity thereof. Immigrant visas shall
12 not be required of the following:

- 13
- 14 a. A child born subsequent to the issuance of a valid immigrant visa to the
15 accompanying parent;
 - 16
 - 17 b. A child born during the temporary visit abroad of the mother who is a
18 lawful permanent resident of the Philippines and a holder of a valid re-
19 entry permit, if the child is accompanied by either parent within five (5)
20 years from the date of the child's birth; and
 - 21
 - 22 c. A foreign national who is returning to an unrelinquished lawful permanent
23 residence in the Philippines after a temporary residence abroad and
24 presents for admission a valid re-entry permit.
 - 25

26 **CHAPTER 7**
27 **VISA ISSUANCE**
28

29 *Sec. 54. Nature of Visa.* — Nothing in this Act shall be construed to
30 automatically entitle any foreign national to whom a visa or other travel document

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

3

4 Sec. 55. *Visa Policy.* – The policies governing the issuance, extension, renewal
5 and conversion of visas referred to in this Act shall be formulated by the Bureau and
6 the DFA, when appropriate, in consultation with concerned government agencies
7 and offices.

8

9 Sec. 56. *Visa Issuance Abroad.* - All visas issued abroad shall be done by
10 Consular Officers assigned at Philippine Foreign Service posts in the following
11 manner:

12

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

20

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

25

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

29

30 Sec. 57. *Requirements for Physical and Mental Examination Prior to Issuance*
31 *of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign

1 national, the Consular Officer shall require such person to submit to a physical and
2 mental examination in accordance with such regulations as may be prescribed by
3 the Commissioner.

4
5 *Sec. 58. Visa Validity Period.* — A single-entry non-immigrant or immigrant
6 visa issued by a Consular Officer abroad pursuant to Sec. 56 of this Act shall be valid
7 for a period not exceeding three (3) months: *Provided,* That in prescribing the
8 validity period of a single-entry non-immigrant visa, the Consular Officer may allow a
9 longer validity period based on reciprocity as accorded by the foreign country to
10 citizens of the Philippines who are within a similar class.

11
12 An immigrant visa may be replaced under the original number during the
13 calendar year in which the original visa was issued to a foreign national who
14 establishes to the satisfaction of the Consular Officer that the original immigrant visa
15 was not used during the period of its validity for reasons beyond the visa holder's
16 control: *Provided,* That the foreign national is found by the Consular Officer to be
17 eligible for another immigrant visa and has paid all the fees.

18
19 *Sec. 59. Denial of Visa; Grounds.* — The Consular Officer may deny the
20 application for visa (a) if it appears from the statements in the application or in the
21 documents submitted the applicant is not eligible for a visa under this Act; or (b) if
22 the applicant fails to comply with the requirements of the provisions of this Act.

23
24 *Sec. 60. Revocation of Visa Issued by Consular Officer.* — The Commissioner
25 may, for valid cause and upon confirmation by the DFA, revoke a visa issued by any
26 Consular Officer. If the notice of revocation is not received and the visa holder
27 applies for admission into the Philippines, the admission or entry of the foreign
28 national shall be determined by the Immigration Personnel upon arrival at the port
29 of entry.

30
31 **CHAPTER 8**

1 **RE-ENTRY AND EMIGRATION CLEARANCE**

2
3 Sec. 61. *Re-entry.* — In all instances when a registered foreign national,
4 except a temporary visitor, departs or is about to depart temporarily from the
5 Philippines with the intention to return within one (1) year from departure, the
6 foreign national must secure a re-entry permit or, if the authorized stay is less than
7 one (1) year, a Special Return Certificate, and pay the corresponding fees and
8 charges therefor.

9
10 Sec. 62. *Emigration Clearance.* – A registered foreign national who departs
11 permanently from the Philippines shall surrender all Philippine immigration
12 documents and apply for and be issued an Emigration Clearance Certificate, subject
13 to the following conditions:

- 14
- 15 a. The immigrant has no pending obligation with the government or any of
16 its agencies or instrumentalities;
 - 17
 - 18 b. The immigrant has no pending criminal, civil, or administrative proceeding
19 which requires continued presence in the country; and
 - 20
 - 21 c. There is no ongoing legislative inquiry where the immigrant is called upon
22 to testify as a witness.
 - 23

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

27
28 **CHAPTER 9**
29 **PRESIDENTIAL PREROGATIVES**
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CHAPTER 1
CLASSIFICATION OF PORTS OF ENTRY

Sec. 64. *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.

CHAPTER 2
PROCEDURES ON ARRIVAL

Sec. 65. *Inspection by Immigration Personnel.* — A foreign national seeking admission or readmission shall present a valid passport and visa, if required, to the immigration Personnel 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 Officer 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.

Sec. 66. *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 Sec. 76(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

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

4
5 *Sec. 67. Medical Examination Requirement.* – Any arriving foreign national
6 whom the examining Immigration Officer believes to belong under the class of
7 excludable foreign nationals specified in Sec. 76(a) of this Act shall be referred to
8 designated medical officers for physical and mental examination. Such medical
9 officer shall certify the findings of the examination for the information of the
10 Immigration Officer.

11
12 *Sec. 68. Arrival Notice Requirements of Vessel.* – The immigration authorities
13 shall be given prior notice of the arrival of any civilian vessel before such vessel
14 comes into any area in the Philippines from any place outside thereof. Such prior
15 notice shall not be required in the case of vessels with scheduled arrivals filed with
16 the Immigration Officer in charge at the international port of entry.

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

23
24 *Sec. 69. Contents of Notice of Arrival.* — The advance notice of arrival
25 required in the preceding Sec. shall specify the following:

- 26
27 a. Type of vessel and registration marks;
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29 b. Crew list, who have been duly issued visas;
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31 c. Passenger manifest;

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- d. Port of last departure;
- e. International port of intended destination, or other place authorized by the Commissioner;
- f. Estimated time of arrival; and
- g. Authorized agent or representative at the place of arrival.

CHAPTER 3
FOREIGN CREWMEMBER

Sec. 70. *Conditional Permit to Disembark.* — A foreign crewmember of a vessel under Sec. 36(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. 71. *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. 72. *Liability for Overstaying Foreign Crewmen.* — A foreign crewmember who remains in the Philippines in excess of the period allowed in the conditional

1 permit issued shall be solidarily liable with the owner, operator, captain, master,
2 pilot, agent or consignee of the vessel to pay the penalties prescribed in Sec. 120 of
3 this Act.

4

5 *Sec. 73. Liability for Unauthorized Discharge of Foreign Crewmember.* — It
6 shall be unlawful for any person, including the owner, operator, captain, master,
7 pilot, agent or consignee of any vessel to discharge any foreign crewmember
8 employed by a vessel arriving in the Philippines and while in port, without first
9 obtaining the prior permission of the Commissioner. Otherwise, such person or
10 owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay
11 such fines as may be prescribed under this Act. No vessel shall be granted clearance
12 from any port in the Philippines while such fines remain unpaid or while the validity
13 thereof is being determined: *Provided,* That a clearance may be granted prior to
14 such determination upon deposit of a sum or cash bond sufficient to cover such
15 fines as approved by the Commissioner.

16

17 *Sec. 74. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*
18 —The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
19 immediately report, in writing, to the Immigration Officer all cases of desertion or
20 illegal disembarkation in the Philippines from the vessel, together with a description
21 of such foreign nationals and any information that shall result in their apprehension.

22

23 *Sec. 75. Requirement for Submission of List of Newly Employed, Discharged*
24 *and Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel
25 from the last port in the Philippines destined to any place outside thereof, the
26 owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to
27 the Immigration Officer at that port a list containing:

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29 a. The names of crewmembers who were not employed thereon at the time
30 of the vessel's arrival on such port but will depart thereat on the same
31 vessel;

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- b. The names of those who have been discharged, if any;
- c. The names of those who have deserted or illegally landed at that port, if any; and
- d. Such other additional information as the Commissioner deems necessary.

Sec. 76. Liability for Failure to Submit Complete, True and Correct Report. —
The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a true and complete list or report of foreign nationals or to report cases of desertion or illegal landing shall pay such sum as may be prescribed under this Section 116 of this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided,* that clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

CHAPTER 4
EXCLUSIONS

Sec. 77. Exclusion Grounds. - The following classes of foreign national shall not be allowed entry and shall be excluded from the Philippines:

- a. Health Related Grounds
 - 1. Those who are found to be suffering from a communicable, dangerous or contagious disease, unless excepted under existing laws, rules and regulations;

1 2. Those who are found to be suffering from mental disorder or
2 associated behavior that may pose a threat to persons or danger to
3 property;

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5 3. Those who are found to be suffering from addiction to prohibited or
6 regulated substance;

7
8 b. Economic Grounds

9
10 1. Those likely to become a public charge;

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12 2. Those seeking entry for the purpose of performing skilled or unskilled
13 labor, without a permit from the Secretary of the Department of Labor
14 and Employment as required by law;

15
16 c. Moral Grounds

17
18 1. Those coming to the Philippines to practice polygamy or who advocate
19 the practice of polygamy unless the person's religion allows such
20 practices;

21
22 2. Those who are pedophiles, sexual perverts, or those coming to the
23 Philippines for immoral purposes;

24
25 3. Those who are engaged or who seek to engage in prostitution or to
26 procure or attempt to procure prostitutes, or who receives in whole or
27 in part the proceeds of prostitution;

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29 4. Those who, at the time of primary inspection, by the Immigration
30 Officer exhibit any obnoxious behavior, contempt or disrespect for the
31 said officer or any government official or employee of the Bureau;

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d. Criminal and Security Grounds

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

1 iii. Any activity, the purpose of which is to overthrow the Philippine
2 government by force, violence or other unlawful means; and

3
4 iv. Any other unlawful activity.

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6 6. Those who are engaged or believed to be engaged or likely to engage
7 in, aid, abet or finance any terrorist activity and members or
8 representatives of a foreign terrorist organization;

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10 7. Those who have been identified by competent authorities, local or
11 foreign, as having engaged or are engaging in human trafficking and
12 smuggling;

13
14 8. Those who are under fifteen (15) years of age and unaccompanied by
15 or not coming to a parent, except that they may be admitted at the
16 discretion of the Commissioner, if otherwise admissible: *Provided*, That
17 they present a written consent to travel from either parent citing the
18 purpose thereof and affirmed by a Consular Officer; and

19
20 9. Those who have been identified by competent authorities, local and
21 foreign, as having engaged or are engaging in importation of
22 contrabands and other prohibited articles into the country.

23
24 Sec. 78. *Temporary Custody of Excludable Foreign Nationals.* — For the
25 purpose of ascertaining whether a foreign national arriving in the Philippines belongs
26 to any of the excludable classes of foreign national provided for in this Act or related
27 laws, the Immigration Officer, for a period not exceeding seventy-two (72) hours,
28 may temporarily take into custody for investigation such foreign national either on
29 board the vessel or at a place designated for the purpose at the expense of the
30 master, captain, agent, owner or consignee of the carrying vessel; *Provided* that

1 nothing in this provision shall be construed to unlawfully deprive persons so taken
2 into custody of any of their rights under international law or the Constitution.

3

4 *Sec. 79. Finality of Exclusion Order.* — An order by the Immigration Personnel
5 to exclude a foreign national who is excludable under this Act is final and executory
6 unless revoked by the Commissioner upon a timely appeal prior to the
7 implementation of the exclusion order.

8

9 *Sec. 80. Authority to Waive Grounds for Exclusion.* — Except for grounds of
10 exclusion under Sec. 77(d), subparagraphs 1 to 7 and 9, the Commissioner may
11 waive any of the grounds for exclusion mentioned in Sec. 77 of this Act.

12

13 *Sec. 81. Procedure of Removal and Cost Thereof.* — Foreign nationals arriving
14 in the Philippines who are ordered excluded shall be immediately removed in the
15 same accommodation to the country where they boarded the vessel on which they
16 arrived, unless the Commissioner determines that immediate removal is not proper
17 and practicable, in which case such excluded foreign nationals shall be ordered
18 detained. The cost of detention and other expenses incidental thereto shall be
19 borne by the owner, operator, master, pilot, captain, agent or consignee of the
20 vessel on which such foreigners arrived.

21

22 *Sec. 82. Country Where Removal is to be Directed.* — If the government of
23 the country designated in the preceding Sec. will not accept the foreign national into
24 its territory, the removal of the foreign national shall be directed, at the
25 Commissioner's discretion to any of the following:

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27 a. The country which the excluded foreigner is a citizen or national;

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29 b. The country of birth;

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31 c. The country of the foreign national's habitual residence; or

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

Sec. 83. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee. — It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

- a. Board a foreign national ordered excluded and removed in the same vessel or another vessel owned or operated by the same company;
- b. Detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by an Immigration Officer;
- c. Deliver a foreign national for medical or other examinations when so ordered by an Immigration Officer;
- d. Remove a foreign national from the Philippines to the country to which the individual's removal has been directed; or
- e. Pay the cost of detention and other expenses incidental thereto incurred while the excluded foreign national is being detained as required by Sec. 82 of this Act or other costs necessary or incidental to his removal as provided in this Act.

Sec. 84. Penalty for Non-compliance of Obligation. — The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violates Sec. 83 of this Act shall pay the fines prescribed in Sec. 117 of this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted

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

3

4

TITLE V

5

DEPORTATION

6

7

CHAPTER 1

8

DEPORTABLE FOREIGN NATIONALS

9

10 Sec. 85. *Classes of Deportable Foreign Nationals.* – The following foreign
11 nationals shall be taken into custody upon the order of the Commissioner and
12 deported upon recommendation by the BSI and approval by the Board:

13

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

17

18 b. Those who entered the Philippines who were not lawfully admissible at the
19 time of entry;

20

21 c. Those who abet or aid in the practice of prostitution, including the owner
22 or manager of a prostitution den, or who are pedophiles;

23

24 d. Those who, at any time after the date of entry, have become a public
25 charge;

26

27 e. Those who remain in the Philippines in violation of any period of limitation
28 or condition under which they were admitted;

29

30 f. Those who believe in, advise, advocate or teach the overthrowing by force
31 and violence the Government of the Republic of the Philippines or any

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

8
9 g. Those who, at any time after entry, engage in, abet, aid or finance any
10 terrorist activity;

11
12 h. Those who, at any time after entry, are charged of a crime involving acts
13 or omissions punishable under Philippine penal laws cognizable by the
14 Regional Trial Courts and the Sandiganbayan;

15
16 i. Those who, at any time after entry, are convicted by final judgment of a
17 crime involving moral turpitude punishable under Philippine penal laws;

18
19 j. Those who were admitted as non-immigrants and who obtained an
20 adjustment of their admission status for convenience, or through fraud,
21 falsification of documents, misrepresentations or concealment of material
22 facts;

23
24 k. Those who violated Philippine labor and taxation laws, rules and
25 regulations;

26
27 l. Those who are found to be undesirable and whose further stay in the
28 Philippines is inimical to public welfare and interest, or the dignity of the
29 Filipinos, or the Republic of the Philippines as a sovereign nation;

30
31 m. Those who forge, counterfeit, alter or falsely make any document; or use,

1 attempt to use, possess, obtain, accept or receive or provide any forged,
2 counterfeit, altered or falsely made document; or use, attempt to use,
3 provide, attempt to provide, accept or receive a genuine document, even
4 of another person, without authority to do so for the purpose of satisfying
5 or complying with the requirements of the Bureau;

6
7 n. Those whose presence or activities in the country may result in adverse
8 consequences to Philippine foreign policies as determined by the Secretary
9 of Foreign Affairs;

10
11 o. Those who misrepresented themselves as Filipino citizens in all immigration
12 matters; and

13
14 p. Those who commit any violation of the provisions of this Act, independent
15 of any criminal action which may be brought against them: *Provided*, That
16 in case of a foreign national who, for any reason, is convicted and
17 sentenced to suffer both imprisonment and deportation, said foreign
18 national shall first serve the entire period of the sentence before being
19 deported.

20
21 *Sec. 86. Non-Prescription of Deportation Cases.* – The right of the State to
22 initiate at any time deportation proceedings shall not prescribe.

23
24 *Sec. 87. Nature of Deportation Proceedings.* – Deportation proceedings shall
25 be independent of any action that may be instituted against a foreign national:
26 *Provided*, That no deportation orders shall be implemented against foreign nationals
27 facing preliminary investigation, prosecution and trial before competent authorities.

28
29 **CHAPTER 2**
30 **DEPORTATION OF FOREIGN NATIONALS**

1 Sec. 88. *Formal Charge of Deportation.* – A formal charge for deportation
2 shall be issued upon determination of the existence of a *prima facie* case against the
3 foreign national.

4
5 Sec. 89. *Bail.* – Pending final determination of the foreign national's
6 deportation case, the foreign national shall, upon the discretion of the
7 Commissioner: (a) remain under detention; or (b) be released on bail or
8 recognizance. The bail may be revoked and confiscated in favor of the government
9 if there is sufficient evidence that the foreign national is evading the proceedings or
10 is attempting to abscond, in which case such foreign national shall be taken into
11 custody and placed under detention by order of the Commissioner.

12
13 Sec. 90. *Custody of a Foreign National Convicted of a Felony or an Offense.* –
14 After service of the sentence or compliance with the conditions of parole or
15 probation, as the case may be, the foreign national shall be taken into custody for
16 immediate deportation by order of the Board.

17
18 Sec. 91. *Voluntary Deportation, When Authorized.* –The Commissioner may
19 waive the deportation proceedings and order the departure of the foreign national
20 within the period specified in the voluntary deportation order if the foreign national
21 does not contest the formal charge and opts to voluntarily leave the country and
22 pays for all expenses: *Provided*, That the foreign national has not committed any
23 criminal offense or has no pending criminal investigation: *Provided, further*, That the
24 said foreign national so deported shall be barred from re-entering the country
25 without prior written authorization from the Commissioner.

26
27 Sec. 92. *Period to Enforce Order of Deportation.* – The order of deportation
28 shall be enforced immediately but in no case shall exceed three (3) months from the
29 date it has become final and executory. If deportation is not enforced within the
30 prescribed period, the foreign national may be released on bail or recognizance.

31

1 *Sec. 93. Suspension of Deportation Order.* – The Commissioner may suspend
2 the implementation of the deportation order and order the release of the foreign
3 national on bail or recognizance, taking into account the following factors:

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5 a. Age, health, family or conduct;

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7 b. Period of detention;

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9 c. Impact on national security and public welfare;

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11 d. Unavailability of travel documents;

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13 e. Existence of an application for refugee or statelessness status; or

14
15 f. Other humanitarian considerations.

16
17 *Sec. 94. Reinstatement of a Deportation Order.* – A deportation order
18 previously implemented against a foreign national who unlawfully re-entered the
19 Philippines shall be deemed automatically reinstated and shall be implemented in
20 accordance with this Act. This provision shall also apply to a foreign national who
21 departed voluntarily under Sec. 92 and re-entered the Philippines unlawfully or
22 without prior written authorization from the Commissioner.

23
24 *Sec. 95. Country of Destination of a Deportee.* – Except as provided for
25 under an existing treaty or international agreement, a foreign national shall be
26 deported to the country of which the person is a citizen or national, or foreign
27 national's country of birth, or the country of which the individual is a resident, or the
28 country from which the individual embarked for the Philippines, subject to the
29 acceptance by the receiving country.

30
31 *Sec. 96. Cost of Deportation.* – The cost of deportation shall be borne by the

1 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its
2 foreign crewmember is to be deported under Sec. 85 of this Act. In all other cases,
3 the cost of deportation shall be borne either by the deportee, by the concerned
4 consular office, nongovernment organizations or people's organizations with which
5 the Bureau has an agreement on this matter, or from the appropriations for the
6 enforcement of this Act.

7

8 *Sec. 97. Liability of Owner, Operator, Captain, Master, Pilot, Agent or*
9 *Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator,
10 captain, master, pilot, agent or consignee of a vessel to take on board, guard safely
11 and transport the deportee to the foreign national's country of destination, or to
12 shoulder the cost of deportation of the foreign crew member as provided in the
13 preceding Sec., shall be subject to the administrative fines prescribed under Sec.
14 117 of this Act.

15

16 *Sec. 98. Expenses of Accompanying Person.* – The Commissioner may, for
17 security reason or by reason of the mental or physical condition of the deportee,
18 direct an employee of the Bureau to accompany such deportee to the country of the
19 deportee's destination, subject to the provisions of Sec. 96.

20

21

CHAPTER 3

22

INDIGENT FOREIGN NATIONAL

23

24 *Sec. 99. Removal of Indigent Foreign National.* – At any time after entry, the
25 Commissioner may remove or otherwise deport indigent foreign nationals from the
26 Philippines to the country of which they are citizens or nationals, their country of
27 birth, or their country of residence, as the case may be. The cost of deportation may
28 be charged against the available funds of the Office. Any foreign national removed
29 under this Section shall be barred re-admission except upon written authorization of
30 the Board of Commissioners.

31

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

6
7 **TITLE VI**
8 **MISCELLANEOUS PROVISIONS**

9
10 **CHAPTER 1**
11 **REGISTRATION OF FOREIGN NATIONALS**

12
13 *Sec. 100. Requirement of Registration.* — All foreign nationals shall register
14 with the Bureau or any Immigration Office nearest to their place of residence on or
15 before the sixtieth (60th) day of their latest arrival in the Philippines.

16
17 *Sec. 101. Registration Form and Oath.* — Applications for registration shall be
18 under oath and in such form as prescribed by the Bureau. Upon registration, a
19 certificate of registration shall be issued to the registrant. In case of loss or
20 destruction of the certificate, a replacement certificate may be issued by the Bureau
21 upon proper application and payment of prescribed fees.

22
23 *Sec. 102. Amendment of Registration.* — A registered foreign national shall
24 notify the Bureau in writing of any change of information in the person's registration
25 documents not later than seven (7) days from such change.

26
27 *Sec. 103. Presentation of Certificate of Registration.* — Every foreign national
28 required to register under this Act or the parent or guardian of such foreign national
29 shall, upon demand by any personnel authorized by the Commissioner, present a
30 certificate of registration of such individual, and failure to do so without justifiable
31 cause shall be dealt with in accordance with the provisions of this Act.

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Sec. 104. *Reportorial Requirements.* — Every foreign national registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Bureau. The Commissioner may exempt personal appearance of foreign nationals registered under this Act subject to certain requirements and conditions as may be prescribed in the rules and regulations issued for the purpose.

Sec. 105. *Failure to Comply with Requirements.* — A foreign national, or the parent or guardian of the foreign national, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by the individual to be false, or who utilizes registration documents other than that of the individual, shall be dealt with in accordance with the provisions of this Act and other existing laws.

Sec. 106. *Cancellation of Registration of Foreign National.* — In case of death of a foreign national registered under the provisions of this Act, the legal heir, representative or administrator of the foreign national must inform the Office within sixty (60) days from such death, and the Bureau shall cancel the registration of the deceased foreign national. The Local Civil Registrar or other civil registry officer of the locality where said foreign national died shall furnish the Bureau with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements specified in this Section shall be dealt with pursuant to the provisions of existing laws.

CHAPTER 2
BONDS AND DEPOSITS

Sec. 107. *Bonds, When Required.* — The Bureau shall have the authority to require cash bonds in such amounts and under such conditions as it may prescribe in order to:

- 1 a. Control and regulate the admission into, and departure from, the
2 Philippines of foreign nationals applying for temporary admission;
3
4 b. Insure against foreign passengers liable to be excluded as likely to
5 become public charges; and
6
7 c. Ensure the appearance of foreign nationals released from custody during
8 the course of deportation proceedings instituted against them.
9

10 Sec. 108. *Requirement of Cash Deposits for Services Rendered.* – The Bureau
11 shall likewise have the authority to require cash deposits in such amounts as may be
12 necessary from a vessel's owner, operator, captain, master, pilot, agent, or
13 consignee or other persons served for services rendered as established by the
14 implementing rules and regulations.
15

16 Sec. 109. *Cancellation and Forfeiture of Bonds.* – When the conditions of the
17 bond are fulfilled, or in case the Commissioner determines that the likelihood that a
18 foreign national shall become a public charge no longer exists, or in case of death of
19 the foreign national in whose behalf the bond is posted, the bond shall be cancelled
20 and released to the depositor or the legal representative of the foreign national. In
21 case of violation of the conditions of the bond, the same shall be forfeited and
22 deposited in a trust fund account which may be utilized for the purchase of passage
23 tickets for the removal of indigent foreign nationals and to cover the costs of
24 operations in locating deportees who jump bail.
25

26 **CHAPTER 3**
27 **RECOGNIZANCE**
28

29 Sec. 110. *Petitions for Recognizance, Sanction for Breach of Conditions.* —
30 The Commissioner may order the release of a foreign national upon recognizance of
31 the foreigner's lawyer or a person who is of good standing in the community, under

1 such terms and conditions as the Board may prescribe. Failure to comply with the
2 terms and conditions of the recognizance shall subject said lawyer or person to a
3 fine of not less than Fifty Thousand Pesos (PHP 50,000.00) but not more than One
4 Hundred Thousand Pesos (PHP 100,000.00), without prejudice to other
5 administrative sanctions or proceedings against the erring party.

6

7

CHAPTER 4

8

COOPERATION AND COORDINATION WITH OTHER OFFICES

9

10 Sec. 111. *Working Cooperation with the Department of Foreign Affairs.* – For
11 purposes of efficient implementation and administration of this Act, the Bureau shall
12 maintain a working cooperation with the DFA.

13

14 Sec. 112. *Working Cooperation with the Commission on Higher Education*
15 *(CHED).* – The Bureau shall maintain a working cooperation with the CHED with
16 respect to the accreditation of schools and learning centers for enrollment of foreign
17 students as authorized under this Act.

18

19 Sec. 113. *Working Cooperation with the Civil Aviation Authority of the*
20 *Philippines (CAAP).* – The Bureau shall maintain a working cooperation with the
21 CAAP with respect to accreditation of flying schools for the enrollment of foreign
22 students.

23

24 Sec. 114. *Coordination with Law Enforcement, Security and Other Offices.* —
25 The Commissioner shall have the authority to maintain coordination with the
26 National Security Council, the Philippine National Police (PNP), and other law
27 enforcement agencies of the government.

28

29

CHAPTER 5

30

FEES AND CHARGES

31

- 1 c. Refusal or failure to deliver a foreign national for medical or other
2 examinations when so ordered by an Immigration Personnel;
3
4 d. Refusal or failure to pay the cost of maintenance and other costs, as
5 required by this Act, of such foreign national when temporarily removed
6 from the vessels for examination by order of the Immigration Officer;
7
8 e. Refusal to receive such foreign national on board for removal from the
9 Philippines if the foreign national is excluded, or to pay the cost of
10 removal as required under Sec. 81 and 96 of this Act;
11
12 f. Refusal or failure to take on board, guard safely and transport the
13 deportee to the foreign national's country of destination, or to shoulder
14 the cost of deportation of the foreign crew member;
15
16 g. Making any charge against such foreign national for the cost referred to in
17 (d) above, or for the cost of the removal of the foreign national from the
18 Philippines if the latter is excluded, or taking any security from the foreign
19 national for the payment of any such costs.
20

21 *Sec. 118. Fine for Bringing Undocumented Foreign National, or Foreign*
22 *National Afflicted with Communicable or Contagious Disease, or Suffering from*
23 *Mental Disorder.* — The owner, operator, master, captain, pilot, agent, or consignee
24 of the vessel arriving at a port in the Philippines from a place outside thereof
25 bringing on board an undocumented foreign national shall be fined One Hundred
26 Thousand Pesos (PHP 100,000.00) for each foreign national. If the foreign national
27 is afflicted with a communicable or contagious disease or is suffering from mental
28 disorder, the fine shall be not less than Two Hundred Thousand Pesos (PHP
29 200,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00) for
30 each foreign national.

31

1 Sec. 119. *Fine for Bringing a Foreign National to Assist His Illegal Entry or*
2 *Misrepresenting a Foreign National as a Member of the Crew.* — The owner,
3 operator, master, captain, pilot, agent, or consignee of the vessel arriving at any
4 port in the Philippines from a place outside thereof bringing on board a foreign
5 national bound for the Philippines to assist the illegal entry of the foreign national, or
6 misrepresenting the foreign national to the Immigration Officer at the port of arrival
7 as a bona fide member of the crew, shall be fined not less than One Hundred
8 Thousand Pesos (PHP 100,000.00) but not more than Two Hundred Thousand Pesos
9 (PHP 200,000.00) for each foreign national.

10

11 Sec. 120. *Fine for an Overstaying Crewmember.* — Any foreign crewmember
12 who wilfully remains in the Philippines beyond the period allowed for temporary
13 landing shall be fined not less than Fifty Thousand Pesos (PHP 50,000.00) but not
14 more than One Hundred Thousand Pesos (PHP 100,000.00). The owner, operator,
15 master, captain, pilot, agent, or consignee of the vessel shall be solidarily liable for
16 the fine imposed on such overstaying crewmember.

17

18 Sec. 121. *Fine for Assaulting an Immigration Personnel.* — Any form of
19 assault directed to any personnel of the Bureau is an act of disrespect. In case the
20 assault is committed by a foreign national at the ports of entry and exit, such foreign
21 national shall be excluded or deported, as the case may be, and shall be fined Two
22 Hundred Thousand Pesos (PHP 200,000.00) without prejudice to the right of the
23 aggrieved Immigration Personnel to file appropriate criminal, civil or administrative
24 cases against such person.

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

27

28 Sec. 122. *Fine for Violation of Other Provisions of this Act.* — The owner,
29 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any
30 port of the Philippines from a place outside thereof who violates any other provision
31 of this Act not specifically provided in this Chapter shall be fined not less than Fifty

1 Thousand Pesos (PHP 50,000.00) but not more than Two Hundred Thousand Pesos
2 (PHP 200,000.00) for each violation.

3

4

CHAPTER 7

5

PENAL PROVISIONS

6

7 Sec. 123. *Prohibited Acts and Penalties.* – Any person who shall commit any
8 of the acts specified hereunder shall, upon conviction, suffer the penalty of
9 imprisonment for not less than five (5) years but not more than ten (10) years, or a
10 fine of not less than One Hundred Thousand Pesos (PHP 100,000.00) but not more
11 than Five Hundred Thousand Pesos (PHP 500,000.00), or both imprisonment and
12 fine, at the discretion of the court:

13

14 a. Impersonating another individual, or falsely appearing in the name of a
15 deceased individual, or evading immigration laws by using an assumed or
16 fictitious name when applying for an immigration document;

17

18 b. Issuing or otherwise delivering an immigration document or an
19 immigration accountable form to any person not authorized by law to
20 receive such documents;

21

22 c. Obtaining, manufacturing, printing, accepting or using any immigration or
23 travel document knowing it to be false, or using an immigration
24 accountable form that is not legally issued;

25

26 d. Entering the Philippines without inspection and admission by the
27 immigration authorities, or obtaining entry into the Philippines through
28 fraud, misrepresentation, or concealment of material facts;

29

30 e. Misrepresenting oneself to be a citizen of the Philippines;

31

1 f. Knowingly making any false statement under oath regarding any
2 immigration matter; or

3

4 g. Bringing into, or landing in the Philippines, or concealing, harboring,
5 employing, or giving comfort to, any person not duly admitted by an
6 Immigration Personnel or not lawfully entitled to enter into or reside
7 within the Philippines, or attempting, conspiring with, or aiding another to
8 commit any such acts.

9

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

23

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

28

29 *Sec. 124. Penalty for Aiding the Escape of Detained Foreign National.* — Any
30 person who shall be found to have helped, assisted, supported, caused or ministered
31 the escape, including harboring and concealing, of a foreign national shall, upon

1 conviction, be imprisoned for not less than five (5) years but not more than ten (10)
2 years and a fine of not less than Two Hundred Thousand Pesos (PHP 200,000.00):
3 *Provided*, That if the person liable is a foreign national, such person shall be
4 deported after service of sentence: *Provided further*, That any tools, equipment,
5 implements or vehicles used in the escape of a detained foreign national shall be
6 destroyed or forfeited in favor of the government.

7

8 Sec. 125. *Penalty for Non-compliance of Subpoena.* — Any person who,
9 having been duly served with a *subpoena*, fails to comply without valid and
10 justifiable reasons shall suffer the penalty of imprisonment of not more than fifteen
11 (15) days or a fine of not more than One Thousand Pesos (PHP 1,000.00), or both,
12 at the discretion of the court.

13

14 Sec. 126. *Imposition of Maximum Penalty, When Applicable.* — A person
15 convicted under Republic Act No. 3019, as amended, otherwise known as the "Anti-
16 Graft and Corrupt Practices Act," or other laws against corruption and bribery in
17 relation to any violation or circumvention of any provision of this Act shall suffer the
18 maximum penalty under the said Republic Act or other laws against corruption and
19 bribery, as the case may be.

20

CHAPTER 8

21

UPGRADING OF COMPENSATION AND BENEFITS

22

23 Sec. 127. *Creation of New Positions, Reclassification of Existing Positions and*
24 *Upgrading of Salary Levels.* — The following positions in the Bureau are hereby
25 created, and the existing positions reclassified, with the corresponding salary grade
26 levels:

EXISTING POSITION	RECLASSIFIED POSITION	SALARY GRADE
Commissioner	Commissioner III	30

Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer (Overall Chairperson, BSI)	28
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer (Director for Administration)	28
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer (Director for Finance and Logistics)	28
Information Technology Officer III	Chief Information and Communications Technology Officer (Director for ICT)	28
Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer (Director for Alien Registration)	28
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer for Immigration Regulation (Director for Immigration Regulation)	28
Chief Intelligence Officer (Intelligence Division)	Chief Immigration Officer for Intelligence (Director for Intelligence)	28
Chief Immigration Officer (Port Operations Division)	Chief Immigration Officer for Operations (Director for Operations)	28
Attorney V	Chief Immigration Officer for Legal Affairs (Director for Legal Affairs)	28

	Chief Immigration Officer for Law Enforcement (Director for Law Enforcement)	28
	Chief Planning and Research Specialist (Director for Planning and Research)	28
	Chief Human Resource and Management Officer (Director for Human Resource Management and Development)	28
	Regional Director	27
Attorney IV (BSI)	Special Inquiry Officer IV (Chairperson, BSI)	27
Attorney IV (Legal Division)	Immigration Prosecutor IV	27
Attorney III (BSI)	Special Inquiry Officer III (Member, BSI)	26
Attorney III (Legal Division)	Immigration Prosecutor III	26
Supervising Immigration Officer	Supervising Immigration Officer	26
Supervising Administrative Officer	Supervising Administrative Officer	26
Medical Officer III	Immigration Physician	26
	Supervising Human Resource Management Officer	26
	District Supervisor	26
Attorney II (Legal Division)	Immigration Prosecutor II	25
Intelligence Officer IV	Senior Immigration Officer	25

Accountant III	Immigration Accountant V	25
Dentist II	Immigration Dental Officer	25
	Supervising Immigration Research Specialist	25
Attorney I (Legal Division)	Immigration Prosecutor I	24
Senior Immigration Officer	Immigration Officer IV	24
Administrative Officer IV	Immigration Administrative Officer IV	24
Information Technology Officer I	Information and Communications Technology Officer I	24
Nurse II	Immigration Healthcare Officer	23
	Immigration Research Officer III	23
	HR Management Officer III	23
Accountant II	Immigration Accountant II	22
Information System Analyst	Immigration Information System Analyst	22
Immigration Officer III	Immigration Officer III	21
	Immigration Research Officer II	21
	HR Management Officer II	21
Accountant I	Immigration Accountant I	19
Computer Programmer II	Immigration Computer Programmer II	19
Computer Maintenance Technologist II	Immigration Information Technologist II	19
Immigration Officer II	Immigration Officer II	19
Intelligence Officer II		
Special Investigator II		
Immigration Officer I	Immigration Officer I	17
Intelligence Officer I		
Special Investigator I		

Fingerprint Examiner IV	Alien Fingerprint Examiner IV	17
	Immigration Research Officer I	17
	HR Management Officer I	17
Immigration Assistant	Immigration Inspector	15
Intelligence Agent II	Immigration Agent II	15
Administrative Officer II	Immigration Administrative Officer II	15
	Immigration Research Assistant	15
	HR Management Assistant	15
Fingerprint Examiner III	Alien Fingerprint Examiner III	15
Administrative Aide VI	Immigration Aide VI	14
Administrative Assistant III	Immigration Administrative Assistant III	13
Administrative Aide V	Immigration Aide V	13
Fingerprint Examiner II	Alien Fingerprint Examiner II	13
Security Guard II	Civil Security Officer II	13
Intelligence Agent I	Immigration Agent I	13
Translator II	Immigration Translator II	12
Administrative Assistant II	Immigration Administrative Assistant II	12
Administrative Aide IV	Immigration Aide IV	12
Administrative Aide III	Immigration Aide III	11
Nursing Attendant	Immigration Healthcare Assistant	11
Fingerprint Examiner I	Alien Fingerprint Examiner I	11
Security Guard I	Civil Security Officer I	11
Seaman		
Launch Patron		
Marine Engineman		
Quartermaster		
Legal Aide	Immigration Legal Assistant	10

Administrative Assistant I	Immigration Administrative Assistant IV	10
Administrative Aide II	Immigration Administrative Assistant II	8

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

8

9 Sec. 128. *Additional Grant of Benefits.* —The Bureau shall provide its
10 employees with the following benefits:

11

12 a. Health care services through an accredited Health Maintenance
13 Organization for its regular employees;

14

15 b. Accident Insurance policies for all employees;

16

17 c. Night Shift differential and overtime pay for actual work rendered, in
18 accordance with existing guidelines;

19

20 d. Longevity pay, subject to guidelines that shall be issued by the Board in
21 accordance with existing laws and regulations and subject to the approval
22 of the Secretary of the DBM;

23

24 e. Transportation benefits;

25

26 f. Dislocation allowance; and

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

Sec. 129. Retention and Use of Immigration Fees, Fines and Other Income; Immigration Trust Fund. — The Board is hereby authorized to retain and use every year thirty percent (30%) of its collections from immigration fees, fines and penalties, and other income that may be collected by the Bureau for the effective implementation of this Act.

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

- a. Forty percent (40%) for the modernization of equipment, facilities and offices used by employees of the Bureau, including capital outlay for the establishment of new buildings and field offices for the effective implementation of this Act;
- b. Thirty percent (30%) for the payment of employee benefits provided in this Act, and as may be hereafter provided by the Board with the approval of the Secretary of the DOJ; and
- c. Thirty percent (30%) for the further professionalization of the employees of the Bureau including trainings, seminars and other career advancement programs.

All interest income, dividends and earnings accrued from the ITF shall also form part of the Trust Fund. No portion of the ITF shall revert to the general fund of

1 the National Government, except when the ITF is no longer necessary for the
2 purposes for which it was established.

3
4 **CHAPTER 9**
5 **TRANSITORY PROVISIONS**
6

7 Sec. 130. *Interim Period.* — The incumbent Commissioner and the two
8 Deputy Commissioners, if qualified under this Act, shall continue to discharge the
9 functions of their position unless otherwise removed by the President. All personnel
10 of the present Bureau of Immigration shall continue to discharge the functions of
11 their position pending the reorganization as provided in this Act.

12
13 Sec. 131. *Reorganization of the Bureau.* — Upon approval of this Act, all
14 employees of the Bureau of Immigration covered by the civil service law and
15 regulations shall continue to hold their present positions pending the
16 reorganization of the Bureau in accordance with the new staffing pattern: *Provided,*
17 That the salaries, wages, allowances and other benefits of incumbent officers and
18 employees of the Bureau shall not be subject to diminution: *Provided, further,* That
19 employees who have been dismissed for cause shall no longer qualify for any
20 position in the Bureau.

21
22 Sec. 132. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities*
23 *and Obligations to the Commission.* — All buildings, properties, equipment, facilities,
24 accounts, other assets, liabilities and other obligations as well as records of the
25 Bureau of Immigration shall be properly inventoried and transferred to the Bureau.

26
27 Sec. 133. *Treaty or Agreement.* — Any treaty or agreement entered into
28 between the Philippines and any foreign state before the effectivity of this Act shall
29 remain in force and effect.

30
31 Sec. 134. *Pending Cases.* — Any prosecution, suit, action, proceeding, or any

1 act or matter, civil or criminal, pending at the time of the effectivity of this Act shall
2 not be affected by any of the provisions of this Act unless otherwise explicitly stated
3 herein.

4
5 **CHAPTER 10**
6 **ADMINISTRATION AND IMPLEMENTATION**
7

8 *Sec. 135. Administration and Implementation Abroad.* – The administration
9 and implementation of this Act abroad, including the rules and regulations, and
10 specific visa policies or guidelines, shall be the responsibility of the DFA, with due
11 notice to the Bureau and other concerned agencies and offices.
12

13 *Sec. 136. Implementing Rules and Regulations.* —Within sixty (60) days from
14 the effectivity of this Act, the Bureau shall, in coordination with the Secretaries of
15 the DBM, the DOJ, and the DFA, promulgate the rules and regulations for its
16 effective implementation.
17

18 *Sec. 137. Appropriations.* – The amount necessary to cover the initial
19 implementation of this Act shall be charged against the following:
20

- 21 a. Current year’s appropriation of the Bureau of Immigration; and
22
23 b. Immigration fees, fines and other income authorized under Sec. 129 this
24 Act.
25

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

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

1 Sec. 138. *Separability Clause.* – Should any provisions of this Act be declared
2 invalid, the remaining provisions shall continue to be in force and effect.

3

4 Sec. 139. *Repealing Clause.* – Commonwealth Act No. 613, otherwise known
5 as the "Philippine Immigration Act of 1940," as amended, and Republic Act No. 750
6 are hereby repealed. All other laws, presidential decrees, executive orders,
7 proclamations, memorandum orders, instructions, rules and regulations or parts
8 thereof inconsistent with this Act are hereby amended or modified accordingly.

9

10 Sec. 140. *Effectivity.* – This Act shall take effect fifteen (15) days after its
11 publications in the Official Gazette or in any newspaper of general circulation.

Approved,