



HOUSE OF REPRESENTATIVES

H. No. 8203

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BY REPRESENTATIVES FERRER (J.M.), RODRIGUEZ (R.), ROMUALDO, VILLAFUERTE (L.R.), VILLAFUERTE (M.L.), HORIBATA, LIBANAN, ESCUDERO, TAMBUNTING, GARCIA (P.J.), RIVERA, ZAMORA (Y.M.), LOYOLA, ROQUE, ACHARON, BONGALON, BARZAGA, DELOS SANTOS, NOGRALES (M.), CO (E.), SINGSON-MEEHAN, QUIMBO, MENDOZA, ALBANO, GARIN, GONZALEZ, PALMA, PRIMICIAS-AGABAS, TEVES (J.), ALVAREZ (M.), ALVAREZ (J.), AQUINO, BAUTISTA-LIM, BERNOS, CABREDO, CAJAYON-UY, CARL CO (A.N.), CUA, CUARESMA, DEL MAR, DUJALI, FUENTEBELLA, LARA, LIMKAICHONG, NAVA, SALIMBANGON, SINGSON (R.V.), TIANGCO, UMALI, VARGAS-ALFONSO, YAP (ERIC), YU (D.G.), ZAMORA (M.C.), ZUBIRI, ABALOS, ALMARIO, AMANTE, ANG, ATAYDE, BASCUG, BOSITA, BUSTOS, CARDEMA, CHATTO, CHUNGALAO, CO-PILAR, CRUZ (A.), CRUZ (R.), DAGOOC, DIMAPORO (S.A.), DIONISIO, DY (F.M.C.), EUDELA, FORTES, FRESNEDI, GARCIA (D.), GARDIOLA, GO (M.), GOLEZ, GUTIERREZ, HERNANDEZ, KHONGHUN, LAGON (D.), LAGON (S.), LAZATIN, MACEDA, MANGAOANG, MANQUIZ, MATHBAG, MERCADO, OUANO-DIZON, PANALIGAN, PANCHO, PLAZA, PLEYTO, REVILLA (R.J.), RODRIGUEZ (E.), SALI, SANTOS, TAN (J.), TULFO (J.), UNABIA, VARGAS, VERGARA, VERZOSA, YAP (C.), BULUT-BEGTANG, DALOG, GASATAYA, GOMEZ, MARAÑON, ROMULO, SALO, TEVES (A.), VILLA, YULO, FLORES, ADIONG, YAMSUAN, YU (J.V.), DAZA, DALIPE AND BORDADO, PER COMMITTEE REPORT NO. 552

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AN ACT

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

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

**TITLE I  
GENERAL PROVISIONS**

**SEC. 1. Short Title.** — This Act shall be known as the “*Immigration Modernization Act*”.

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

- (a) the necessity for encouraging and enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;

- 1 (b) the need to support technological and scientific development in the country;  
2  
3 (c) the goal to promote the conditions for social welfare and economic security of  
4 the people;  
5  
6 (d) the fulfillment of obligations and compliance with standards set by international  
7 law in the admission and exclusion of foreign nationals;  
8  
9 (e) the modernization of structures and mechanisms necessary for the  
10 administration of immigration laws in keeping with the changing demands of  
11 the country's role in the global community; and  
12  
13 (f) the professionalization of the immigration service by instituting a rigid system  
14 of screening and selection of immigration officials and employees and  
15 promoting their development.  
16

17 **SEC. 3. Definition of Terms.** — As used in this Act:

- 18  
19 (a) *Admission* refers to the process by which a foreign national arriving at a port  
20 of entry in the Philippines is allowed into the country whereby a status or entry  
21 category is granted by the immigration authorities;  
22  
23 (b) *Border Control Officer* refers to any person authorized to man the Border  
24 Control Checkpoints as provided in this Act;  
25  
26 (c) *Captain* refers to the master of a vessel or pilot of an aircraft;  
27  
28 (d) *Child or children* refers to a person or persons below eighteen (18) years  
29 of age;  
30  
31 (e) *Citizen* refers to any person who is a citizen of the Philippines under Section 1,  
32 Article IV of the Constitution of the Republic of the Philippines;  
33  
34 (f) *Commissioner* refers to the Commissioner of the Bureau of Immigration;  
35  
36 (g) *Commitment Order* refers to an order issued by the Commissioner under this  
37 Act that directs the taking into custody of a foreign national after it has been  
38 determined that probable cause exists that a foreign national committed acts  
39 or omissions in violation of Philippine immigration laws, rules and regulations,  
40 or during the pendency of deportation proceedings against such foreign  
41 national: *Provided*, That such custody shall not exceed three (3) months,  
42 unless there exists other legal grounds for continued custody;  
43  
44 (h) *Consular Officer* refers to any consular, diplomatic, or other officer of the  
45 Department of Foreign Affairs (DFA) who has been duly granted a consular  
46 commission for the purpose of issuing visas under this Act;  
47  
48 (i) *Derogatory Information* refers to details about persons and travel documents  
49 relating to immigration consisting of the following:  
50  
51 (1) *Blacklist Order* refers to an order issued by the Commissioner that  
52 prevents a foreign national from entering the territorial jurisdiction of  
53 the Philippines;

- 1 (2) *Hold Departure Order* refers to an order issued by the Commissioner  
2 preventing a foreign national from leaving the territorial jurisdiction of  
3 the Philippines in cases where bail or recognizance is granted pending  
4 implementation of a Deportation Order, or a directive implementing an  
5 order issued by the appropriate court preventing a person from leaving  
6 the territorial jurisdiction of the Philippines;  
7
- 8 (3) *Monitor Order* refers to an order issued by the Commissioner under this  
9 Act that requires immigration personnel to monitor the travel of any  
10 person for a period of thirty (30) days, and to notify the concerned  
11 government agencies of the Philippines; and  
12
- 13 (4) *Alert Order* refers to an order issued by the Commissioner pursuant to a  
14 validly issued warrant of arrest;  
15
- 16 (j) *Entry* refers to the arrival of a foreign national into any designated port of entry  
17 in the Philippines from a place outside the Philippine territorial jurisdiction;  
18
- 19 (k) *Exclusion* refers to the act of Immigration Officers denying admission of a  
20 foreign national into the country on grounds provided in this Act;  
21
- 22 (l) *Foreign national or alien* refers to any person who is not a citizen of the  
23 Philippines;  
24
- 25 (m) *Immigrant* refers to any foreign national, other than a non-immigrant,-granted  
26 resident status in the Philippines under the provisions of this Act and other laws  
27 granting immigrant status;  
28
- 29 (n) *Immigration laws* refer to this Act and other laws presently existing or which  
30 may hereafter be enacted relating to the movement of natural persons to and  
31 from the Philippines;  
32
- 33 (o) *Immigration Officer* refers to any person appointed under Title II, Chapter 8 of  
34 this Act or any employee designated by the Commissioner to perform the  
35 powers, duties and functions of an Immigration Officer as specified under  
36 this Act;  
37
- 38 (p) *Non-immigrant* refers to any foreign national who is allowed entry and  
39 admission into the Philippines for a temporary or limited period of stay;  
40
- 41 (q) *Non-refoulement* refers to a principle of international law which prohibits the  
42 forced or involuntary return of refugees or those seeking asylum in the  
43 Philippines to a state or territory where there are valid reasons to believe that  
44 the life or freedom of such refugee or asylum seeker would be threatened on  
45 account of race, religion, nationality, membership in a particular social group,  
46 or political opinion;  
47
- 48 (r) *Passport* refers to a document issued by a government to its citizens requesting  
49 other governments to allow such citizens to pass through or enter into a  
50 territory of other states safely and freely, and in case of need to give them all  
51 lawful aid and protection;

- 1 (s) *Person* refers to a natural person or a juridical person such as a partnership,  
2 corporation, company, or association;  
3  
4 (t) *Port of entry* refers to any port designated by the Commissioner through which  
5 a foreign national may enter or exit the Philippines;  
6  
7 (u) *Refugee* refers to a person who, owing to a well-founded fear of being  
8 persecuted for reasons of race, religion, nationality, membership in a particular  
9 social group, or political opinion, is outside such person's country of nationality,  
10 and is unable or, owing to such fear, unwilling to avail of the protection of that  
11 country; or a person who, not having a nationality and being outside such  
12 person's country of former habitual residence, is unable or, owing to such fear,  
13 unwilling to return to it;  
14  
15 (v) *Seaman, Seafarer or Crewmember* refers to a person actually employed in the  
16 operation or service in any capacity on board a vessel;  
17  
18 (w) *Stateless person* refers to a person who is not considered a national by any  
19 state under the operation of its laws;  
20  
21 (x) *Travel document* refers to a certification or identifying document containing the  
22 description and other personal circumstances of its bearer, issued for direct  
23 travel to and from the Philippines valid for short periods or a particular trip. It  
24 is issued only to persons whose claim to Philippine citizenship is doubtful or  
25 who fall under the category enumerated in Section 13 of Republic Act No. 8239,  
26 otherwise known as the "*Philippine Passport Act of 1996*", as amended;  
27  
28 (y) *Vessel* refers to all means of conveyances, whether aircraft or sea craft; and  
29  
30 (z) *Visa* refers to an endorsement on a passport or any travel document issued by  
31 a Consular Officer abroad authorizing the holder thereof to proceed to a  
32 designated port of entry in the Philippines and there, to apply for entry and  
33 admission under the status specified therein; or an endorsement on a passport  
34 or any travel document, or any equivalent digital or electronic endorsement,  
35 granted by the Bureau under this Act, or by any other person authorized by  
36 existing laws.  
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38

39 **TITLE II**  
40 **THE BUREAU OF IMMIGRATION**

41 **CHAPTER 1**  
42 **THE BUREAU**

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44  
45 **SEC. 4. Overview.** — The Bureau of Immigration, hereinafter referred to as the  
46 "Bureau", shall be under the control and supervision of the Department of Justice (DOJ).  
47 The Bureau shall be principally responsible for the administration and enforcement of  
48 this Act, and the implementation of all laws, rules and regulations, or orders of any  
49 competent authority concerning the entry and admission into, stay in and the departure  
50 from the Philippines of all persons. The Bureau may seek the assistance of other  
51 government entities in the enforcement of laws, rules and regulations relating to  
52 immigration, border control, and anti-trafficking in persons.

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**CHAPTER 2**  
**THE BOARD OF COMMISSIONERS**

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

**SEC. 6. Powers and Functions.** — The Board shall have the following powers and functions:

(a) Decide on applications or cases relative to:

(1) Deportation;

(2) Issuance of all visas; and

(3) Legalization of residence in accordance with law;

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

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

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

(e) 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.** — All cases or proceedings before the Board shall be decided with the concurrence of the majority of the members of the Board. A decision of the Board or a resolution on a motion for reconsideration shall become final and executory fifteen (15) days from notice thereof by the concerned party, unless before the expiry of such period, a motion for reconsideration or an appeal is filed before the Office of the Secretary of Justice or the Office of the President.

**SEC. 8. Appeals.** — The decision of the Board or a resolution on a motion for reconsideration may be appealed to the Secretary of Justice or the Office of the President within fifteen (15) days from notice thereof by the concerned party. Unless otherwise ordered by the Secretary of Justice or the President, the filing of an appeal shall not stay the execution of the decision or resolution appealed from.

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

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**CHAPTER 3**  
**THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

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

**SEC. 11. *Powers and Duties of the Commissioner.*** — In addition to the duties as Chairperson of the Board, the Commissioner shall also undertake the following:

- (a) Supervise, direct and coordinate the overall operations of the Bureau;
- (b) Exercise control and supervision over the officers and personnel of the Bureau, including the power to appoint, designate, and reassign personnel, and recommend to the Secretary of Justice appointments and promotions to senior positions, subject to civil service laws, rules and regulations;
- (c) Issue the following:
  - (1) Mission Orders, after determination of the existence of probable cause for the purpose of deportation;
  - (2) Commitment or Release Orders;
  - (3) Warrants of Deportation;
  - (4) Orders to inspect the documents, premises, and records of persons covered by this Act; and
  - (5) Derogatory information orders defined in Section 3(i) of this Act;
- (d) Delegate authority to subordinate immigration personnel and employees of the Bureau, except the powers and functions enumerated in paragraph (c) of this section, which may be delegated only to a Deputy Commissioner;
- (e) Control the opening and closure of posts, landing places, airports or ports classified as points of entry or exit, whether limited or unlimited;
- (f) Increase, reduce, or waive immigration fines, penalties, and other charges;
- (g) Issue Certificates of Naturalization to foreign nationals who have been granted Philippine citizenship;
- (h) Promulgate rules and regulations as may be necessary or proper for the effective discharge of the duties and responsibilities of the officials and personnel of the Bureau, and for the effective exercise of the powers and functions of the Bureau;
- (i) Deputize 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 their duties and functions;

- 1 (j) Seek the assistance of relevant government agencies for intelligence data  
2 gathering and sharing;  
3
- 4 (k) Authorize and prescribe, with the concurrence of the Board, the form and the  
5 amount of cash bonds for the provisional release of respondents in deportation  
6 proceedings;  
7
- 8 (l) Impose reasonable fines and penalties for violations of immigration and alien  
9 registration laws in accordance with this Act and the guidelines adopted by  
10 the Board;  
11
- 12 (m) Accept donations of materials, equipment or technical services from any foreign  
13 government, international or domestic organization, to upgrade the efficiency and  
14 operations of the Bureau;  
15
- 16 (n) Provide an express lane system for the rendition of services performed for  
17 individuals and entities upon payment of fees that may be prescribed, and deposit  
18 in an authorized government depository bank such fees received under a trust  
19 fund subject to auditing and accounting rules, fifty percent (50%) of which shall  
20 be made available for the augmentation of the salaries of the employees of  
21 the Bureau, and fifty percent (50%) of which shall be remitted to the  
22 national treasury;  
23
- 24 (o) Submit to the President and to Congress, annually or as may be directed,  
25 a report on:  
26
- 27 (1) the number and status of foreign nationals in the Philippines;  
28
- 29 (2) foreign nationals admitted or granted change of status as permanent  
30 residents;  
31
- 32 (3) foreign nationals who have been excluded or deported from the Philippines;  
33
- 34 (4) the estimated number of illegal foreign nationals in the Philippines in each  
35 calendar year and actions taken to arrest them, grouped by nationality, for each  
36 region in the Philippines; and  
37
- 38 (5) such other transactions of the Bureau;  
39
- 40 (p) Determine the manning levels of Immigration Officers of the Bureau nationwide  
41 in accordance with the number of arrivals in each port of entry;  
42
- 43 (q) Exercise disciplinary authority over personnel of the Bureau charged with less  
44 grave and light administrative offenses, in accordance with civil service rules:  
45 *Provided, That the disciplinary authority over those charged with grave*  
46 *administrative offenses under civil service rules shall belong to the Secretary*  
47 *of Justice;*  
48
- 49 (r) Prescribe, with the concurrence of the Board, the appropriate forms, bonds,  
50 reports, entries and other papers in accordance with this Act;  
51
- 52 (s) Require all vessel operators to submit advance passenger information and  
53 prescribe penalties for the violation hereof;

- 1 (t) Engage foreign counterparts pertaining to border control;  
2  
3 (u) Designate Senior Immigration Officers who will oversee and supervise  
4 immigration operations in all international airports and seaports; and  
5  
6 (v) Perform such other functions inherent to the Bureau.  
7

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

12 **SEC. 13. Duties of Deputy Commissioners.** — In addition to their duties as  
13 members of the Board, the Deputy Commissioners shall perform such duties as may be  
14 required by law or regulation, or as may be specified by the Commissioner not otherwise  
15 inconsistent with law.  
16

17 **CHAPTER 4**  
18 **THE BOARDS OF SPECIAL INQUIRY**  
19

20 **SEC. 14. Creation of the Boards of Special Inquiry.** — There shall be created up  
21 to five (5) Boards of Special Inquiry (BSI) as required in the exigency of service as  
22 determined by the Board. Each BSI shall be composed of a Chairperson and two (2)  
23 members. The BSI shall be designated according to their areas of specialization to be  
24 determined by the Board.  
25

26 **SEC. 15. Appointment and Qualifications of the Chairpersons and Members**  
27 **of the BSI.** — The Chairpersons and members of the BSI shall be appointed by the  
28 Commissioner, shall be natural-born citizens of the Philippines and, at the time of their  
29 appointment, at least thirty (30) years of age, members of the Philippine Bar in good  
30 standing and have been engaged in the practice of law for at least three (3) years prior  
31 to appointment.  
32

33 **SEC. 16. Powers and Functions.** — The BSI shall:

- 34 (a) Recommend to the Board for final resolution cases and applications relative to:  
35  
36 (1) Deportation;  
37  
38 (2) Revocation of immigration status; and  
39  
40 (3) Legalization of residence in accordance with law;  
41  
42 (b) Recommend to the Commissioner for appropriate action cases and applications  
43 relative to:  
44  
45 (1) Citizenship matters; and  
46  
47 (2) Issuance of alien certificates of registration to asylum seekers, refugees and  
48 stateless persons;  
49  
50 (c) Issue subpoena in cases being heard by the BSI;  
51



- (d) In the exercise of its quasi-judicial power, cite and punish persons for contempt in accordance with the Rules of Court;
- (e) Recommend to the Commissioner the imposition, waiver, or reduction of fines, penalties and other charges, subject to existing laws, rules and regulations;
- (f) Administer oaths in connection with the performance of their duties, as may be authorized by the Commissioner;
- (g) Promulgate rules and regulations governing matters within its assigned mandate, subject to the approval of the Commissioner; and
- (h) Perform such other duties and functions as may be directed by the Commissioner.

**SEC. 17. Proceedings.** — 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 may appear for and in behalf of any party before the BSI.

**SEC. 18. Creation of Positions.** — The positions created under the BSI shall have the following classification and salary grades:

DESIGNATION	POSITION	SALARY GRADE
Chairperson	Attorney V	25
Members	Attorney IV	23

**CHAPTER 5**  
**DIVISIONS AND OTHER OPERATING OFFICES OF THE BUREAU**

**SEC. 19. Divisions and Other Operating Offices of the Bureau.** — The Bureau shall have the following Divisions and other operating offices, namely:

- (a) Divisions:
  - (1) Administrative;
  - (2) Alien Registration;
  - (3) Finance and Logistics;
  - (4) Human Resource Management and Development;
  - (5) Immigration Regulation;
  - (6) Information and Communications Technology;
  - (7) Immigration Intelligence;
  - (8) Immigration Law Enforcement;
  - (9) Legal Affairs; and
  - (10) Planning and Research;
- (b) Regional Offices that shall be proposed by the Board according to political or administrative regions, and created pursuant to authorization by Congress; and
- (c) District and Field Offices.

1       **SEC. 20. Heads of the Divisions and Other Operating Units.** — Each Division  
2 shall be headed by a Division Chief with a Salary Grade (SG) of SG-24, except the Legal  
3 Affairs Division, which shall be headed by an Attorney V, SG-25: *Provided*, That the Chief  
4 for Legal Affairs shall be a member of the Philippine Bar in good standing and must have  
5 been engaged in the practice of law for at least three (3) years prior to appointment,  
6 and that the Chief for Finance and Logistics must be a Certified Public Accountant in good  
7 standing for at least three (3) years prior to appointment.  
8

9       No person shall be appointed as Chief of any of the Divisions enumerated in Section  
10 19 (a) of this Act unless such person meets the qualification standards set by the Bureau  
11 and approved by the Civil Service Commission (CSC).  
12

13       **SEC. 21. Organizational Structure and Staffing Pattern of the Bureau.** — The  
14 Board shall determine the organizational structure and staffing pattern of the Bureau in  
15 accordance with the revised compensation and position classification system, subject to  
16 the review and approval of the Department of Budget and Management.  
17

18       **SEC. 22. Administrative Division.** — The Administrative Division shall have the  
19 following functions:  
20

- 21       (a) Develop and implement an administrative support strategy for the Bureau;
- 22       (b) Coordinate all administrative functions of the Bureau;
- 23       (c) Monitor and evaluate all policies and programs of the Bureau, and  
24       recommend to the Board such policies, programs and measures for the  
25       effective and efficient administration of the Bureau; and
- 26       (d) Perform such other tasks as may be directed by the Commissioner.  
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31       **SEC. 23. Alien Registration Division.** — The Alien Registration Division shall have  
32 the following functions:  
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- 34       (a) Formulate plans and policies for the implementation of the Alien  
35       Registration Program;
- 36       (b) Establish and implement measures for the effective registration, monitoring  
37       and accounting of aliens, including the collection and safekeeping of  
38       biometric data of all aliens pursuant to this Act and other laws, rules and  
39       regulations;
- 40       (c) Monitor and evaluate all policies, programs and measures relative to alien  
41       registration, and recommend to the Commissioner such measures to  
42       improve the system of alien registration; and
- 43       (d) Perform such other tasks as may be directed by the Commissioner.  
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48       **SEC. 24. Finance and Logistics Division.** — The Finance and Logistics Division shall  
49 have the following functions:  
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- 51       (a) Formulate and supervise the implementation of policies pertaining to  
52       procurement, fiscal management, auditing and accounting in support of the  
53       overall plan and strategic direction of the Bureau;

- 1 (b) Direct and manage all the procurement activities of the Bureau;
- 2
- 3 (c) Implement sound fiscal policy;
- 4
- 5 (d) Supervise the preparation of the Annual Procurement Plan;
- 6
- 7 (e) Initiate projects in the furtherance of the improvement of the Bureau;
- 8
- 9 (f) Set performance targets for the Bureau in order to meet its objectives, plans
- 10 and programs; and
- 11
- 12 (g) Perform such other tasks as may be directed by the Commissioner.
- 13

14 **SEC. 25. Human Resource Management and Development Division.** — The  
15 Human Resource Management and Development Division shall have the following  
16 functions:

- 17
- 18 (a) Develop and execute human resource strategies in support of the overall
- 19 plan and strategic direction of the Bureau especially in the areas of
- 20 selection, hiring and promotion;
- 21 (b) Design employee training modules;
- 22 (c) Develop comprehensive strategic recruitment and retention plans to meet
- 23 human capital strategy goals;
- 24 (d) Set qualification standards and implement competency-based hiring and
- 25 promotion policies;
- 26 (e) Oversee the recruitment, selection and promotion of employees of
- 27 the Bureau;
- 28 (f) Set performance standards for the employees of the Bureau in order to
- 29 meet its objectives, plans and programs;
- 30 (g) Prepare and implement schemes to strengthen the relationship between
- 31 management and employees; and
- 32 (h) Perform such other tasks as may be directed by the Commissioner.
- 33

34 **SEC. 26. Immigration Regulation Division.** — The Immigration Regulation  
35 Division shall have the following functions:

- 36
- 37 (a) Formulate plans and programs for the effective enforcement of immigration
- 38 laws relating to the admission, sojourn, and exit of aliens;
- 39
- 40 (b) Enforce immigration laws relating to the admission of aliens on primary
- 41 inspection, as well as their exclusion, deportation and repatriation, and
- 42 those relating to administrative penalties against sea vessels;
- 43
- 44 (c) Establish policies for the effective surveillance, monitoring and supervision
- 45 of all bay service operations of all vessels while in Philippine territory;
- 46
- 47 (d) Oversee and supervise all Regional, District, and Field Offices, and Border
- 48 Crossing Checkpoints;

- 1 (e) Maintain administrative control over aliens admitted for limited periods by  
2 enforcing and implementing policies for temporary visitors' visa extension  
3 and permits;  
4  
5 (f) Assist the Commissioner in administering issuances of student visas,  
6 permits and other orders related thereto;  
7  
8 (g) Assist the Commissioner in the preparation of all orders pertaining to  
9 downgrading of visas, transfer, amendment and correction of admission;  
10  
11 (h) Represent the Bureau in the enforcement of the RP-Indonesian Agreement,  
12 the RP-Malaysian Anti-Smuggling Agreement, and other subsequent similar  
13 agreements; and  
14  
15 (i) Perform such other tasks as may be directed by the Commissioner.  
16

17 **SEC. 27. Information and Communications Technology Division.** — The  
18 Information and Communications Technology Division shall have the following functions:  
19

- 20 (a) Formulate policies, plans and programs on management information  
21 systems, network, cybersecurity, and information and communications  
22 technology (ICT) resources of the Bureau;  
23  
24 (b) Supervise the implementation of all the information and communications  
25 technology projects of the Bureau;  
26  
27 (c) Review, evaluate, and recommend for approval by the Commissioner the  
28 integration of all existing ICT systems of the Bureau;  
29  
30 (d) Initiate the conduct of ICT research, development, and standardization; and  
31  
32 (e) Perform such other tasks as may be directed by the Commissioner.  
33

34 **SEC. 28. Immigration Intelligence Division.** — The Immigration Intelligence  
35 Division shall have the following functions:  
36

- 37 (a) Develop plans and programs for the gathering and collating of intelligence  
38 through effective management of all intelligence and counter-intelligence  
39 activities of the Bureau;  
40  
41 (b) Manage the conduct of intelligence and counter-intelligence activities of the  
42 Bureau;  
43  
44 (c) Serve as the linkage between the Bureau and foreign counterparts or  
45 embassies;  
46  
47 (d) Initiate development of intelligence training modules; and  
48  
49 (e) Perform such other tasks as may be directed by the Commissioner.  
50

51 **SEC. 29. Immigration Law Enforcement Division.** — The Immigration Law  
52 Enforcement Division shall have the following functions:

- 1 (a) Develop plans and programs for effective law enforcement actions against  
2 foreign nationals who violate immigration laws, rules and regulations;  
3  
4 (b) Exercise command, control, direction, coordination, and supervision of all  
5 law enforcement activities of the Bureau, such as the deployment of  
6 personnel, subject to the power of the Commissioner under Section 11(b)  
7 of this Act;  
8  
9 (c) Develop and implement law enforcement training modules;  
10  
11 (d) Establish an effective monitoring tool for fugitives and undesirable  
12 foreign nationals;  
13  
14 (e) Direct operations regarding the control, security and administration of staff,  
15 persons deprived of liberty, and equipment at the immigration detention  
16 facility; and  
17  
18 (f) Perform such other tasks as may be directed by the Commissioner.  
19

20 **SEC. 30. Legal Affairs Division.** — The Legal Affairs Division shall have the  
21 following functions:  
22

- 23 (a) Serve as the legal office of the Bureau, in coordination with the Office of  
24 the Solicitor General;  
25  
26 (b) Develop guidelines for the summary deportation of foreign nationals who  
27 are fugitives, overstaying, undocumented, or convicted of crimes involving  
28 moral turpitude or crimes where the penalty of deportation is imposed;  
29  
30 (c) Assign lawyers in the division as Special Prosecutors for regular deportation  
31 proceedings;  
32  
33 (d) Implement deportation orders;  
34  
35 (e) Review contracts affecting the Bureau and submit recommendations to the  
36 Board relative thereto;  
37  
38 (f) Render legal opinions on matters arising from the administration and  
39 operation of the Bureau; and  
40  
41 (g) Perform such other tasks as may be directed by the Commissioner.  
42

43 **SEC. 31. Planning and Research Division.** — The Planning and Research Division  
44 shall have the following functions:  
45

- 46 (a) Formulate and implement the Bureau's programs, projects and processes  
47 for planning and research;  
48  
49 (b) Facilitate and organize strategic planning sessions for the entire Bureau;  
50  
51 (c) Conduct workload assessment and forecasting;

- 1 (d) Assist the Board in the implementation and establishment of a risk  
2 management process;
- 3
- 4 (e) Implement a monitoring feedback measurement and evaluation system for  
5 the implementation of all Bureau policies, 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 **CHAPTER 6**  
12 **IMMIGRATION OFFICERS**

13  
14 **SEC. 32. Qualifications of Immigration Officers.** — No person shall be appointed  
15 to the position of Immigration Officer unless such person meets the qualification  
16 standards set by the Bureau and approved by the CSC.

17  
18 **SEC. 33. Powers and Duties.** — The Immigration Officers shall have the following  
19 powers and functions:

- 20
- 21 (a) Examine, with the assistance and advice of medical authorities in appropriate  
22 cases, foreign nationals at the port of entry concerning their admissibility to  
23 enter and their qualifications to remain in the Philippines;
- 24 (b) Exclude foreign nationals not properly documented, and to admit foreign  
25 nationals complying with the applicable provisions of immigration and related  
26 laws;
- 27 (c) Administer oaths in connection with the performance of their duties, as may  
28 be authorized by law;
- 29 (d) Search for foreign nationals on any vessel believed to be used to illegally  
30 transport foreign nationals into the Philippines, and to take into custody without  
31 warrant any foreign national who, in the presence or view of the Immigration  
32 Officer, is entering or is about to enter the Philippines in violation of  
33 immigration and related laws, rules and regulations;
- 34 (e) Act as control personnel with authority to prevent the departure of passengers  
35 who do not comply with duly published departure requirements;
- 36 (f) Detect and report violations of the immigration and alien registration laws and,  
37 in appropriate cases, take necessary actions upon the instructions of the  
38 Commissioner, including follow-up on the stay of non-immigrants to prevent  
39 overstaying;
- 40 (g) Detect and report subversive activities of aliens in the interest of national  
41 security;
- 42 (h) Investigate any case at the instance of the Commissioner and submit the  
43 required reports;
- 44 (i) Report on the activities of aliens inimical to national interest with a view to  
45 taking appropriate action in accordance with law;
- 46 (j) Locate and conduct surveillance against foreign nationals in violation of  
47 immigration laws, rules and regulations;
- 48 (k) Provide actionable operational, tactical and strategic intelligence to the  
49 operating units;

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

23 Qualified Immigration Officers and Immigration Agents with the requisite training and  
 24 experience may be assigned to the Intelligence, Law Enforcement, Alien Registration, or  
 25 Immigration Regulation Divisions depending on the exigencies of the Bureau.

26  
 27 **CHAPTER 7**  
 28 **CAREER DEVELOPMENT PATTERN**

29  
 30 **SEC. 34. Career Development.** — The Bureau shall:

- 31 (a) Establish and strengthen the Philippine Immigration Academy which shall be
- 32 under the control and supervision of the Commissioner;
- 33 (b) Create a continuing program to enhance the knowledge, skills and competence
- 34 of all personnel through a career advancement training and education prior to
- 35 their promotion; and
- 36 (c) Formulate training requirements to implement the provisions under this Title.
- 37
- 38
- 39
- 40

41 **CHAPTER 8**  
 42 **OTHER OFFICES**

43  
 44 **SEC. 35. Changes in the Composition, Distribution and Assignment of**  
 45 **Personnel.** — The Commissioner may make changes in the composition, distribution and  
 46 assignment of regional, district and field offices as well as its personnel, based on the  
 47 demographics of foreign nationals and as the exigency of the service requires, subject  
 48 to civil service rules and regulations.

1       **SEC. 36. *Border Control Checkpoints.*** — In addition to international airports and  
2 seaports, there shall be established Border Control Checkpoints which shall be manned  
3 by Immigration Officers appointed as Border Control Officers by the Commissioner. The  
4 Border Control Checkpoints shall be placed in specific areas. Border Control Officers shall  
5 perform the following duties:

- 6  
7       (a) Conduct immigration formalities to foreign nationals passing through their  
8 areas of responsibility;  
9  
10       (b) Enforce immigration laws, rules and regulations;  
11  
12       (c) Coordinate with other law enforcement agencies in the enforcement of  
13 immigration laws, rules, and regulations;  
14  
15       (d) Apprehend and take into custody illegal entrants; and  
16  
17       (e) Perform such other functions as may be directed by the Commissioner.  
18  
19

20                                   **TITLE III**  
21                                   **IMMIGRATION**

22                                   **CHAPTER 1**  
23                                   **NON-IMMIGRANTS**  
24  
25

26       **SEC. 37. *Categories of Non-immigrants and Types of Visa Issued.*** — Foreign  
27 nationals departing from any place outside the Philippines who are otherwise  
28 admissible and qualify under any one of the following categories may be admitted as  
29 non-immigrants:  
30

31       (a) **Temporary visitors (A Visas):** Visitors coming to the Philippines for a temporary  
32 period for reasons of business, pleasure or health:  
33

- 34               (1) **Business (A-1 Visa):** Temporary visitors engaged in activities of a  
35 commercial or professional nature for a foreign employer or for  
36 themselves that will not result in gainful employment in the Philippines.  
37 As used herein, the term "business" refers to conventions, conferences,  
38 consultations and other legitimate activities of a commercial or a  
39 professional nature, but does not include local employment or labor  
40 for hire;  
41  
42               (2) **Pleasure (A-2 Visa):** Temporary visitors who stay in the Philippines for  
43 holiday, including sightseeing, recreation or visiting relatives; and  
44  
45               (3) **Health (A-3 Visa):** Temporary visitors who stay in the Philippines to avail  
46 of medical treatment;  
47

48       (b) **Transit Persons (B Visa):** Persons in transit through the Philippines solely for a  
49 layover and who have a confirmed connecting flight to another country, or passengers  
50 in immediate and continuous transit to a destination outside the Philippines;



1 (c) Crewmembers (C Visa): Persons required for the normal operation and servicing  
2 of vessels that come to the Philippines on a temporary basis, either arriving with a vessel  
3 or intending to depart the Philippines on the same vessel or any other vessel;  
4

5 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens of a country  
6 that has a trade treaty with the Philippines, including their family members, and who  
7 come to work in the Philippines for either a company they own or one that is at least fifty  
8 percent (50%) owned by nationals of their home country and which company is engaged  
9 in substantial trade between the Philippines and their home country, shall be granted a  
10 D-1 visa;  
11

12 Citizens from a country that has an investor treaty with the Philippines, including  
13 their family members, and who come to work in the Philippines for a business they own  
14 or one that is at least fifty percent (50%) owned by nationals of their home country,  
15 which business is supported by a substantial investment from nationals of their home  
16 country, shall be granted a D-2 visa;  
17

18 (e) Accredited Foreign Government Officials, Their Families and Household  
19 Member (E Visas): Foreign government officials, their families and household members  
20 coming to the country for official purpose, pursuant to international conventions and  
21 bilateral agreements, shall be granted E Visas, in accordance with the following  
22 categories:  
23

24 (1) Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the following  
25 classes of foreign nationals:  
26

- 27 (i) Heads of State and Heads of Government and their personal  
28 representatives;
- 29 (ii) Members of reigning royal families from countries recognized by the  
30 Philippine Government;
- 31 (iii) Governors-General, Governors, and High Commissioners of  
32 dependent territories and their personal representatives;
- 33 (iv) Cabinet ministers and their deputies, and officials with cabinet rank  
34 of ministers;
- 35 (v) Presiding officers of national legislative bodies;
- 36 (vi) Justices or judges of the highest national judicial bodies;
- 37 (vii) Diplomats and career consular officials on foreign assignment in the  
38 Philippines;
- 39 (viii) Military, naval, air and other attaches assigned to a diplomatic  
40 mission; and
- 41 (ix) Accompanying spouses and unmarried dependents of foreign  
42 nationals within the abovementioned categories;  
43

44 (2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official of  
45 a foreign government recognized by the Philippines and who is a national  
46 of the country whose government he represents, and is proceeding to the  
47 Philippines on a long-term basis in connection with official business for  
48 such foreign official's government.  
49

50 This category includes, *inter alia*, the following classes of foreign  
51 nationals:

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

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

14 This category includes, *inter alia*, the following classes of foreign  
15 nationals:  
16

- 17 (i) Diplomatic couriers regularly and professionally employed as such;  
18 (ii) All members of official special missions of a diplomatic character;  
19 (iii) Members of delegations proceeding to or from an international  
20 conference of a diplomatic or official nature; and  
21 (iv) Such other officials going to the Philippines on diplomatic or official  
22 missions;  
23

24 (4) Persons eligible for E-4 Visa: The E-4 Visa shall be issued to the private  
25 employees and household members of persons to whom E-1 and E-2  
26 visas have been granted, as well as their immediate dependents.  
27

28 All visas described in this subsection (e) shall be exclusively issued and renewed by  
29 the Department of Foreign Affairs (DFA), which shall also determine the type of E-Visa  
30 of Foreign Government Officials not identified in the foregoing lists. The grant of  
31 immunities and privileges shall be subject to applicable domestic and international law  
32 and international agreements to which the Philippines is a party, as well as in  
33 consideration of the principle of reciprocity;  
34

35 (f) Students (F Visa): Foreign students having means sufficient for their support  
36 and education in the Philippines who seek to enter the Philippines temporarily for the  
37 sole purpose of taking up a course of study higher than high school at a university,  
38 seminary, academy or college accredited to admit such foreign students by the  
39 Commission on Higher Education (CHED) in coordination with the Bureau;  
40

41 (g) Employment (G Visa): Foreign nationals coming to the Philippines on  
42 prearranged employment, including their family members accompanying or following to  
43 join them within the period of their employment. This category includes intra-company  
44 transferees, professionals, performing artists, athletes, and cultural exchange workers  
45 under a work exchange program;  
46

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

1 (i) Representatives of Accredited International Organizations and Government  
2 Agencies (I Visa): Foreign officials and staff of accredited international organizations,  
3 including their dependent family members, staff, and household members shall be  
4 granted I Visas in accordance with the following categories:

5  
6 (1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal  
7 officials of accredited international organizations, as well as their  
8 accompanying spouses and dependents;

9  
10 (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other officials  
11 and staff of accredited international organizations, as well as their  
12 accompanying spouses and dependents;

13  
14 (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and staff  
15 of international organizations who will perform short-term official work with  
16 the international organization upon its invitation; and

17  
18 (4) Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the private  
19 employees and household members of persons to whom I-1 and I-2 visas  
20 have been granted, as well as their immediate dependents.

21  
22 Accredited international organization includes any public international organization  
23 engaged in activities of which the Philippines participates pursuant to any treaty or under  
24 the authority of any act of the Congress of the Philippines authorizing such participation  
25 or making an appropriation for such participation and such other international  
26 organizations, institutions, agencies, programs, foundations and entities which are  
27 recognized by the government of the Republic of the Philippines, including those existing  
28 and already recognized as such at the time of the effectivity of this Act.

29  
30 All types of visas described in this subsection (i) shall be exclusively issued and  
31 renewed by the DFA, which shall also determine the type of I Visa of officials and staff  
32 of international organizations that are not identified in the foregoing list. The grant of  
33 immunities and privileges shall be subject to applicable domestic and international law,  
34 relevant Headquarters Agreements, and international agreements to which the  
35 Philippines is a party;

36  
37 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly  
38 accredited by the government agency concerned, who are *bona fide* representatives of  
39 a foreign press, radio, satellite, television, film, or other information media, and are  
40 coming to the Philippines solely to engage in gathering information principally for  
41 dissemination abroad, including their family members accompanying them or  
42 subsequently joining them during the period of the assignment in the Philippines;

43  
44 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,  
45 study, observe, conduct research or receive training in a specific Exchange Visitor  
46 Program duly approved by the Philippine Government;

47  
48 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in  
49 this Act and in the 1951 Convention Relating to the Status of Refugees and its 1967  
50 Protocol shall be issued L-1 Visas. Stateless persons as described in this Act shall be  
51 issued L-2 Visas. The President or the Secretary of Justice, for humanitarian reasons not  
52 inimical to public interest, shall have the exclusive authority to admit refugees and  
53 stateless persons in such classes of cases and under such conditions as they may

1 prescribe. The President or the Secretary of Justice shall likewise have the exclusive  
2 authority to cancel, revoke, or cease the refugee or stateless status of an individual; and  
3

4 (m) Special Non-Immigrant Visa (M Visa): Such other foreign nationals including  
5 their family members who may be admitted as non-immigrants under special laws, or  
6 foreign nationals not otherwise described in this Act who are coming for temporary  
7 periods only, and whose admission is authorized by the Board or the President in the  
8 interest of the public or for humanitarian considerations and under such conditions as  
9 they may prescribe.

10  
11 All other visas issued by other agencies and offices authorized to issue visas in  
12 accordance with existing laws, except the DFA, shall be implemented by the Bureau  
13 subject to requirements prescribed by the Commissioner.  
14

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

18 **SEC. 38. Quota Immigrants.** — Subject to the conditions set forth in this Act,  
19 there may be admitted into the Philippines, based upon immigration reciprocity and upon  
20 allotment by the Commissioner, "*quota immigrants*", not to exceed two hundred (200)  
21 of any one nationality for any one calendar year. The following order of preference shall  
22 be observed in the allotment of quota immigrants:  
23

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

31 (b) Second Preference: Parents of a naturalized Philippine citizen;  
32

33 (c) Third Preference: Spouses or minor children of foreign nationals who are lawful  
34 permanent residents of the Philippines; and  
35

36 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent  
37 residents of the Philippines.  
38

39 **SEC. 39. Allotment of Quota.** — The Commissioner shall, with respect to the first  
40 preference, allot not more than fifty percent (50%) of the annual quota allotment up to  
41 the end of June of each year: *Provided*, That if the fifty percent (50%) allotment for the  
42 first preference by any nationality is not utilized, the balance thereof shall be given to  
43 the second, third, and fourth preferences for the same nationality in accordance with the  
44 preceding section. Any unused quota allotment for a calendar year shall not be carried  
45 over and utilized for the ensuing calendar year.  
46

47 **SEC. 40. Basis in Determination of Quota Allotment.** — The numerical  
48 limitation imposed under Section 38 of this Act shall be on the country of which the  
49 immigrant is a national or a citizen.

1       **SEC. 41. *Non-Quota Immigrants.*** — The following immigrants, known as  
2 "*non-quota immigrants*", may be admitted without regard to numerical limitation and  
3 immigration reciprocity:

4  
5       (a) The spouse of a Philippine citizen: *Provided*, That abandonment by the foreign  
6 spouse, the failure to give support by the foreign spouse to the Filipino spouse and  
7 family, and the legal separation or termination of the marital status by annulment,  
8 declaration of nullity of marriage or divorce where the cause is attributable to the foreign  
9 spouse, shall constitute grounds for cancellation of the immigrant visa issued to the  
10 foreign spouse;

11  
12       (b) A person of Filipino descent regardless of generation;

13  
14       (c) A child born to a mother during her temporary visit abroad, the mother being a  
15 foreign national and lawful permanent resident of the Philippines, if accompanied by or  
16 coming to join the mother who applies for admission within five (5) years from the birth  
17 of the child;

18  
19       (d) A child born subsequent to the issuance of an immigrant visa to the  
20 accompanying parent, the visa not having expired or revoked;

21  
22       (e) A foreign national who had been previously lawfully admitted into the Philippines  
23 for permanent residence who is returning from a temporary visit abroad to an  
24 unrelinquished residence in the Philippines;

25  
26       (f) A natural-born citizen who becomes a naturalized citizen of a foreign country  
27 and is returning to the Philippines for permanent residence therein, including the spouse  
28 and minor children accompanying or following to join such person; and

29  
30       (g) Spouse, parent, children, legitimate siblings of a foreign national who is  
31 gainfully employed and holder of a permanent resident status for a period of  
32 seven (7) years.

33  
34                                   **CHAPTER 3**  
35                                   **NATIVE-BORN FOREIGN NATIONAL**

36  
37       **SEC. 42. *Status of Children Born to Immigrants.*** — A child born in the  
38 Philippines to a parent who is a foreign national and a lawful resident of the Philippines  
39 shall be deemed a native-born permanent resident.

40  
41       **SEC. 43. *Status of Children Born to Non-immigrants.*** — A child born to parents  
42 who are both non-immigrants shall be deemed a native-born non-immigrant or  
43 temporary resident and may remain in the Philippines only during the period of  
44 authorized stay of the parents, unless the child reaches the age of eighteen (18) years  
45 while continuously residing in the Philippines, in which case such child may apply for  
46 naturalization under existing laws or for an appropriate visa.

47  
48  
49                                   **CHAPTER 4**  
50                                   **ADJUSTMENT OF STATUS**

51  
52       **SEC. 44. *Conditions for Adjustment of Status of Foreign Nationals.*** — The  
53 status of a foreign national admitted into the Philippines as non-immigrant may be

1 adjusted by the Board to that of a foreign national lawfully admitted as a permanent  
2 resident if:

3  
4 (a) the foreign national makes an application for such adjustment;

5  
6 (b) the foreign national is eligible to receive a quota or non-quota immigrant visa  
7 and is admissible to the Philippines as a permanent resident; and

8  
9 (c) a quota immigrant visa is immediately available to the foreign national at the  
10 time of application, without the need of first departing from the Philippines.

11  
12 In all such cases, the personal appearance of the foreign national shall be required  
13 during the consideration of the application.

14  
15 **SEC. 45. Effect of Approval on Application for Adjustment.** — Upon the  
16 approval of an application for adjustment of status under the preceding section, the  
17 Commissioner shall record the foreign national's lawful admission as a permanent  
18 resident as of the date of the approval of the application.

19  
20 **SEC. 46. Adjustment of Status, When Not Allowed.** — Adjustment of status  
21 under this Act shall not be applicable to:

22  
23 (a) foreign nationals who have violated or are in violation of immigration laws,  
24 rules and regulations, unless the violation is for purely technical reasons or without  
25 the fault of the foreign national; and

26  
27 (b) transients.

28  
29 **SEC. 47. Loss of Status.** — A registered foreign national, except a temporary  
30 visitor, who fails to return to the Philippines within a period of one (1) year from  
31 departure shall lose the status granted under this Act. Such foreign national may apply  
32 for an extension of the period within which to return prior to its expiration and pay the  
33 prescribed fees and charges in order to maintain the status or type of visa granted.

## 34 35 36 **CHAPTER 5** 37 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

38  
39 **SEC. 48. Documentary Requirements of Non-immigrants.** — Non-immigrants  
40 must present for admission into the Philippines valid passports issued by the  
41 governments of the countries to which they owe allegiance or other travel documents  
42 showing their nationality and identity as prescribed by regulations, a valid visa granted  
43 by the Consular Officer, if required, and such other relevant documents as may be  
44 required under existing laws, rules, regulations, or multilateral or bilateral agreements.

45  
46 **SEC. 49. Conditions and Period of Authorized Stay of Temporary Visitors.**  
47 — The initial period of authorized stay of a foreign national admitted as a temporary  
48 visitor under Section 37(a) of this Act shall not exceed fifty-nine (59) calendar days from  
49 the date of arrival, subject to bilateral, regional and multilateral visa agreements entered  
50 into by the Philippines: *Provided*, That the conditions for extensions and total period of  
51 authorized stay shall be prescribed by the Commissioner: *Provided, further*, That during  
52 the foreign national's authorized stay, such foreign national shall not:

1 (a) take any employment, whether paid or unpaid;  
2

3 (b) establish or join in any business; or  
4

5 (c) enroll or become a student at a school, college, university, academy, or other  
6 educational institution, unless granted, upon proper application, a conversion  
7 to another immigration status provided under this Act.  
8

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

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

28 **SEC. 52. Permission for Temporary Landing of a Foreign Crewmember.** —  
29 A foreign crewmember on a vessel arriving in the Philippines may be permitted to land  
30 temporarily under such conditions as may be prescribed by the Commissioner. All  
31 expenses incurred by the Bureau while the crewmember is on land shall be borne by the  
32 master, captain, agent, owner or consignee of the carrying vessel.  
33

## 34 CHAPTER 6 35 DOCUMENTATION AND ADMISSION OF IMMIGRANTS 36

37 **SEC. 53. Documentary Requirements of Immigrants; Instances When Not**  
38 **Required.** — Immigrants must present for admission into the Philippines valid passports  
39 or travel documents issued by the government of the country to which they owe  
40 allegiance, showing their nationality and identity and valid immigrant visas indicating the  
41 date of issue and the period of validity thereof. Immigrant visas shall not be required of  
42 the following:

43 (a) A child born subsequent to the issuance of a valid immigrant visa to the  
44 accompanying parent;  
45

46 (b) A child born during the temporary visit abroad of the mother who is a lawful  
47 permanent resident of the Philippines and a holder of a valid re-entry permit, if  
48 the child is accompanied by either parent within five (5) years from the date of  
49 the child's birth; and  
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51 (c) A foreign national who is returning to an unrelinquished lawful permanent  
52 residence in the Philippines after a temporary residence abroad and presents for  
53 admission a valid re-entry permit.

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**CHAPTER 7  
VISA ISSUANCE**

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**SEC. 54. *Nature of Visa.*** — A visa by itself does not authorize or guarantee entry into the Philippines. Nothing in this Act shall be construed to automatically entitle any foreign national, to whom a visa or other travel document has been issued, to enter the Philippines if, upon arrival at a port of entry, such foreign national is found to be inadmissible under this Act or any other law.

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**SEC. 55. *Visa Policy.*** — The procedure for the application and issuance of visas referred to in this Act shall be formulated by the Bureau, in consultation with the DFA and other concerned government agencies and offices when appropriate.

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**CHAPTER 8  
RE-ENTRY AND EMIGRATION CLEARANCE**

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**SEC. 56. *Re-entry.*** — In all instances when a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign national must secure a re-entry permit or, if the authorized stay is less than one (1) year, a Special Return Certificate, and pay the corresponding fees and charges therefor.

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**SEC. 57. *Emigration Clearance.*** — A registered foreign national who departs permanently from the Philippines shall surrender all Philippine immigration documents and apply for and be issued an Emigration Clearance Certificate, subject to the following conditions:

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

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

**CHAPTER 9  
PRESIDENTIAL PREROGATIVES**

**SEC. 58. *Presidential Prerogatives.*** — Any provision of this Act to the contrary notwithstanding, the President may:

- (a) Deny the entry and admission into the Philippines of, or impose such restrictions as may be deemed appropriate on, any foreign national or a class of foreign nationals, whenever the President finds that such entry would be detrimental to the interest of the Philippines;



- 1 (b) Waive passport or documentary requirements for non-immigrants and  
2 immigrants under such terms and conditions as may be prescribed;  
3  
4 (c) Change the status of non-immigrants by allowing them to acquire permanent  
5 residence status without necessity of a visa;  
6  
7 (d) Deport any foreign national, subject to the requirement of due process;  
8  
9 (e) Admit non-immigrants not otherwise provided for in this Act for humanitarian  
10 considerations and when not detrimental to public interest, under such terms and  
11 conditions as may be prescribed; and  
12  
13 (f) Exercise, with respect to foreign nationals in the Philippines, such powers as  
14 are recognized by the generally accepted principles of international law.  
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16

17 **TITLE IV**  
18 **PROVISIONS RELATING TO ENTRY**

19 **CHAPTER 1**  
20 **CLASSIFICATION OF PORTS OF ENTRY**

21 **SEC. 59. Authority to Classify Ports.** — The Commissioner shall classify and  
22 designate, from among the ports of entry established by law for immigration purposes,  
23 limited or unlimited ports of entry through which foreign nationals may be admitted into  
24 the Philippines. Only such classes of foreign nationals as provided under the rules and  
25 regulations prescribed by the Commissioner may be admitted at limited ports of entry.  
26 The Commissioner may, after due notice to the public, close designated ports of entry in  
27 the interest of national security or public safety.  
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32 **CHAPTER 2**  
33 **PROCEDURES ON ARRIVAL**

34 **SEC. 60. Arrival Formalities.** — A foreign national seeking admission or  
35 readmission shall present a valid passport and visa, if required, to the Immigration  
36 Officer at the port of entry and shall be subject to primary inspection. The decision of  
37 the Immigration Officer to admit any foreign national may be challenged by another  
38 Immigration Officer on any ground provided in this Act. The final determination on the  
39 admissibility of such foreign national shall be determined by the Commissioner or  
40 his/her authorized representative. The resolution shall be reflected in the system of  
41 the Bureau.  
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43

44 **SEC. 61. Arrival Notice Requirements of Vessel.** — The immigration  
45 authorities shall be given prior notice of the arrival of any vessel before such vessel  
46 comes into any area in the Philippines from any place outside thereof.  
47

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

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

**SEC. 62. Conditional Permit to Disembark.** — A foreign crewmember of a vessel under Section 37(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. 63. 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 foreign national arrived to receive and detain the foreign national 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. 64. Liability for Overstaying Foreign Crewmember.** — A foreign crewmember who remains in the Philippines in excess of the period allowed in the conditional permit issued shall be solidarily liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel for the payment of the penalties prescribed in Section 109 of this Act.

**SEC. 65. Liability for Unauthorized Discharge of Foreign Crewmember.** — It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel, to discharge any alien employed as a crewmember on a vessel arriving in the Philippines without first obtaining the prior permission of the Commissioner or his/her authorized representative. Otherwise, such person or owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay such fines as may be prescribed under this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That a clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

**SEC. 66. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.** — The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the Immigration Officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreign nationals and any information that shall facilitate their apprehension.

**SEC. 67. Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed Foreign Crewmembers.** — Prior to the departure of any vessel from the last port in the Philippines destined to any place outside thereof, the owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to the Immigration Officer at that port a list containing:

- (a) The names of crewmembers who were not employed thereon at the time of the vessel's arrival on such port but will depart thereat on the same vessel;

- 1 (b) The names of those who have been discharged, if any;  
2  
3 (c) The names of those who have deserted or illegally landed at that port, if any; and  
4  
5 (d) Such other additional information as the Commissioner deems necessary.  
6

7 **SEC. 68. Liability for Failure to Submit Complete, True and Correct Report.**

8 — The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a  
9 true and complete list or report of foreign nationals or to report cases of desertion or  
10 illegal landing shall pay such sum as may be prescribed under Chapter 6, Title VI of this  
11 Act. No vessel shall be granted clearance to depart from any port in the Philippines while  
12 such fines remain unpaid or while the validity thereof is being determined: *Provided*, that  
13 clearance may be granted prior to such determination upon deposit of a sum or cash  
14 bond sufficient to cover such fines as approved by the Commissioner.  
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16  
17 **CHAPTER 4**  
18 **EXCLUSIONS**  
19

20 **SEC. 69. Exclusion Grounds.** — The following classes of foreign nationals shall  
21 not be allowed entry and shall be excluded from the Philippines on the following grounds:  
22

23 (a) Health-Related Grounds  
24

- 25 (1) Those who are found to be suffering from a communicable, dangerous  
26 or contagious disease, unless excepted under existing laws, rules and  
27 regulations;  
28  
29 (2) Those who are found to be suffering from psychiatric disorder that may  
30 pose a threat to persons or danger to property; and  
31  
32 (3) Those who are found to be suffering from addiction to prohibited or  
33 regulated substance;  
34

35 (b) Economic Grounds  
36

- 37 (1) Those likely to become a public charge; and  
38  
39 (2) Those seeking entry for the purpose of unskilled manual labor;  
40

41 (c) Moral Grounds  
42

- 43 (1) Those coming to the Philippines to practice polygamy or who advocate  
44 the practice of polygamy unless the person's religion allows such  
45 practices;  
46  
47 (2) Those who are pedophiles, sexual perverts or those coming to the  
48 Philippines for immoral purposes;  
49  
50 (3) Those who are engaged or who seek to engage in prostitution or to  
51 procure or attempt to procure prostitutes, or who receives in whole or  
52 in part the proceeds of prostitution; and

1 (4) Those who, at the time of primary inspection by the Immigration  
2 Officer, exhibit any contemptuous or disrespectful behavior towards the  
3 said officer, any employee of the Bureau, or any government official;  
4

5 (d) National Security, Public Order and Public Safety Grounds  
6

7 (1) Those who have been convicted of a crime involving moral turpitude or  
8 who admit to the Immigration Officer of having committed such crime,  
9 or who attempt and conspire to commit the crime;  
10

11 (2) Those who have been convicted of, or who admit having committed, or  
12 are committing, acts which constitute the elements of a violation or  
13 conspiracy to violate any law or regulation of the Philippines or a foreign  
14 country relating to a controlled, regulated or prohibited substance, or  
15 who admit having attempted or conspired to commit such acts;  
16

17 (3) Those that the Philippine Government knows or has reason to believe  
18 are or have been traffickers of any controlled, regulated or prohibited  
19 substance, or accomplices, accessories, abettors, or co-conspirators in  
20 the illicit trafficking of any controlled, regulated or prohibited  
21 substance;  
22

23 (4) Those who are fugitives from justice;  
24

25 (5) Those who seek to enter the Philippines to engage in:  
26

27 (i) espionage or sabotage, or a violation or evasion of laws prohibiting  
28 export of goods, technology or sensitive information;  
29

30 (ii) any activity aimed to promote membership in an organization of  
31 syndicated criminal activities;  
32

33 (iii) any activity, the purpose of which is to overthrow the Philippine  
34 government by force, violence, or other unlawful means; and  
35

36 (iv) any other unlawful activity;  
37

38 (6) Those who are engaged or believed to be engaged or likely to engage  
39 in, aid, abet or finance, any terrorist activity and members or  
40 representatives of a foreign terrorist organization;  
41

42 (7) Those who have been identified by competent authorities, local or  
43 foreign, as having engaged or are engaging in human trafficking and  
44 smuggling;  
45

46 (8) Those who have been identified by competent authorities, local and  
47 foreign, as having engaged or are engaging in importation of  
48 contrabands and other prohibited articles into the country; and  
49

50 (9) Those who are under fifteen (15) years of age and unaccompanied by  
51 or not coming to join a parent, except if otherwise admissible and with  
52 a written consent to travel from either parent and affirmed by a Consular  
53 Officer, citing the purpose thereof.

1           **SEC. 70. Temporary Custody of Excludable Foreign Nationals.** — For the  
2 purpose of ascertaining whether a foreign national arriving in the Philippines belongs to  
3 any of the excludable classes of foreign national provided in this Act or related laws, the  
4 Immigration Officer, for a period not exceeding seventy-two (72) hours, may temporarily  
5 take into custody for investigation such foreign national either on board the vessel or at  
6 a place designated for the purpose at the expense of the owner, operator, master,  
7 captain, pilot, agent or consignee of the carrying vessel.  
8

9           **SEC. 71. Finality of Exclusion Order.** — An order by the Immigration Officer to  
10 exclude a foreign national who is excludable under this Act is final and executory unless  
11 revoked by the Commissioner upon a timely appeal prior to the implementation of the  
12 exclusion order.

13           **SEC. 72. Authority to Waive Grounds for Exclusion.** — The Commissioner  
14 may waive any of the grounds for exclusion mentioned in Section 69 of this Act, except  
15 for the grounds of exclusion under Section 69(d), subparagraphs 1 to 8.  
16

17           **SEC. 73. Procedure of Removal and Cost Thereof.** — Foreign nationals arriving  
18 in the Philippines who are ordered excluded shall be immediately removed to the country  
19 where they boarded the vessel on which they arrived, in accommodations of the same  
20 class, unless the Commissioner determines that immediate removal is not proper and  
21 practicable pursuant to applicable Conventions, laws, rules and regulations, in which case  
22 such excluded foreign nationals shall be ordered detained. The cost of removal, detention  
23 and other expenses incidental thereto shall be borne by the owner, operator, master,  
24 pilot, captain, agent, or consignee of the vessel on which such foreign nationals arrived.  
25

26           **SEC. 74. Country Where Removal is to be Directed.** — If the government of  
27 the country designated in the preceding section will not accept the foreign national into  
28 its territory, the removal of the foreign national shall be directed, at the Commissioner's  
29 discretion to any of the following:  
30

- 31           (a) The country of which the excluded foreign national is a citizen or national;
- 32           (b) The country of birth;
- 33           (c) The country of the foreign national's habitual residence; or
- 34           (d) The country willing to accept the foreign national into its territory, if removal  
35           to any of the foregoing countries is impractical or impossible.  
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40           **SEC. 75. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or**  
41 **Consignee.** — It shall be unlawful for an owner, operator, master, captain, pilot, agent,  
42 or consignee of a vessel to refuse or fail to:  
43

- 44           (a) Board a foreign national ordered excluded and removed in the same vessel  
45           or another vessel owned or operated by the same company;
- 46           (b) Detain a foreign national on board any such vessel at the port of arrival when  
47           required by this Act or when so ordered by an Immigration Officer;
- 48           (c) Deliver a foreign national for medical or other examinations when so ordered  
49           by an Immigration Officer;  
50  
51

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

3  
4 (e) Pay the cost of detention and such other costs and expenses necessary or  
5 incidental to the removal of the excluded foreign national as provided in this Act.  
6

7 **SEC. 76. Penalty for Non-compliance of Obligation.** — The owner, operator,  
8 master, captain, pilot, agent, or consignee of a vessel who violates Section 75 of this Act  
9 shall pay the fines prescribed in Chapter 6, Title VI of this Act. No vessel shall be granted  
10 clearance from any port in the Philippines while such fines remain unpaid or while the  
11 validity thereof is being determined: *Provided*, That clearance may be granted prior to  
12 such determination upon deposit of a sum or cash bond sufficient to cover such fines as  
13 approved by the Commissioner.  
14

15  
16 **TITLE V**  
17 **DEPORTATION**

18  
19 **CHAPTER 1**  
20 **DEPORTABLE FOREIGN NATIONALS**  
21

22 **SEC. 77. Classes of Deportable Foreign Nationals.** — The following foreign  
23 nationals shall be taken into custody upon the order of the Commissioner and deported  
24 upon recommendation by the BSI and approval by the Board:  
25

26 (a) Those who entered the Philippines: (1) by means of misrepresentations or  
27 false or misleading statements or documents, or (2) without inspection and  
28 admission by the immigration authorities;  
29

30 (b) Those who were not lawfully admissible at the time of entry;  
31

32 (c) Those who abet or aid in the practice of prostitution, including the owner or  
33 manager of a prostitution den, or who are pedophiles;  
34

35 (d) Those who, at any time after the date of entry, have become a public charge;  
36

37 (e) Those who remain in the Philippines in violation of any period of limitation or  
38 condition under which they were admitted;  
39

40 (f) Those who believe in, advise, advocate, teach, or otherwise engage in any  
41 activity the purpose of which is the opposition to, or the control or overthrow of,  
42 the Government of the Republic of the Philippines or any of its duly constituted  
43 authority by force, violence, or other unlawful means, or those who do not believe  
44 in or are opposed to organized governments, or those who advise, advocate or  
45 teach the assault or assassination of public officials, or those who advise, advocate  
46 or teach the unlawful destruction of property, or those who are members of or  
47 affiliated with any organization entertaining, advocating or teaching such  
48 doctrines, or those who in any manner whatsoever extend assistance, financial or  
49 otherwise, in the dissemination of such doctrines;  
50

51 (g) Those who engage in, abet, aid or finance any terrorist activity;

1 (h) Those who, at any time after entry, are charged of a crime involving acts or  
2 omissions punishable under Philippine penal laws cognizable by the Regional Trial  
3 Courts and the *Sandiganbayan*;

4  
5 (i) Those who are convicted by final judgment of a crime involving moral  
6 turpitude punishable under Philippine penal laws;

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

11  
12 (k) Those who violated Philippine labor and taxation laws, rules and regulations;

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

17  
18 (m) Those who forge, counterfeit, alter or falsely make any document; or use,  
19 attempt to use, possess, obtain, accept or receive, or provide any forged,  
20 counterfeit, altered or falsely made document; or use, attempt to use, provide,  
21 attempt to provide, accept or receive a genuine document, even of another  
22 person, without authority to do so for the purpose of satisfying or complying with  
23 the requirements of the Bureau;

24  
25 (n) Those whose presence or activities in the country may result in adverse  
26 consequences to Philippine foreign policies as determined by the Secretary of  
27 Foreign Affairs;

28  
29 (o) Those who misrepresented themselves as Filipino citizens in all immigration  
30 matters; and

31  
32 (p) Those who violate any of the provisions of this Act, independent of any  
33 criminal action which may be brought against them: *Provided*, That in the case of  
34 a foreign national who, for any reason, is convicted and sentenced to suffer both  
35 imprisonment and deportation, said foreign national shall first serve the entire  
36 period of the sentence before being deported.

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38  
39 **CHAPTER 2**  
40 **DEPORTATION PROCEEDINGS**

41  
42 **SEC. 78. Nature of Deportation Proceedings.** — Deportation proceedings shall  
43 be independent of any action that may be instituted against a foreign national: *Provided*,  
44 That no deportation order shall be issued against foreign nationals facing preliminary  
45 investigation, prosecution and trial before competent authorities.

46  
47 **SEC. 79. Non-Prescription of Deportation Cases.** — The right of the State to  
48 initiate deportation proceedings shall not prescribe.

49  
50 **SEC. 80. Formal Charge of Deportation.** — A formal charge for deportation shall  
51 be issued upon determination of the existence of a *prima facie* case against the foreign  
52 national.

1           **SEC. 81. Bail.** — Pending final determination of the foreign national's deportation  
2 case, the foreign national shall, upon the discretion of the Commissioner, remain under  
3 detention or be released on bail or recognizance. The bail may be revoked and  
4 confiscated in favor of the government if there is sufficient evidence that the foreign  
5 national is evading the proceedings or is attempting to abscond, in which case such  
6 foreign national shall be taken into custody and placed under detention by order of  
7 the Commissioner.  
8

9           **SEC. 82. Custody of a Foreign National Convicted of a Felony or an**  
10 **Offense.** — After service of the sentence or compliance with the conditions of parole or  
11 probation, as the case may be, the foreign national shall be taken into custody for  
12 immediate deportation by order of the Board.  
13

14           **SEC. 83. Voluntary Deportation, When Authorized.** — The Commissioner may  
15 waive the deportation proceedings and order the departure of the foreign national within  
16 the period specified in the voluntary deportation order if the foreign national does not  
17 contest the formal charge and opts to voluntarily leave the country and pays for all  
18 expenses: *Provided*, That the foreign national has not committed any criminal offense or  
19 has no pending criminal investigation: *Provided, further*, That the said foreign national  
20 so deported shall be barred from re-entering the country without prior written  
21 authorization from the Commissioner.  
22

23           **SEC. 84. Period to Enforce Order of Deportation.** — The order of deportation  
24 shall be enforced immediately but in no case shall exceed three (3) months from the  
25 date it has become final and executory. If deportation is not enforced within the  
26 prescribed period, the foreign national may be released on bail or recognizance.  
27

28           **SEC. 85. Suspension of Deportation Order.** — The Commissioner may  
29 suspend the implementation of the deportation order and order the release of the foreign  
30 national on bail or recognizance, taking into account the following factors:  
31

- 32           (a) Age, health, family or conduct;
  - 33           (b) Period of detention;
  - 34           (c) Impact on national security and public welfare;
  - 35           (d) Unavailability of travel documents;
  - 36           (e) Existence of an application for refugee or statelessness status; or
  - 37           (f) Other humanitarian considerations.
- 38

39           **SEC. 86. Reinstatement of a Deportation Order.** — A deportation order  
40 previously implemented against a foreign national who unlawfully re-entered the  
41 Philippines shall be deemed automatically reinstated and shall be implemented in  
42 accordance with this Act. This provision shall also apply to a foreign national who  
43 departed voluntarily under Section 83 of this Act and re-entered the Philippines  
44 unlawfully or without prior written authorization from the Commissioner.  
45

46           **SEC. 87. Country of Destination of a Deportee.** — Except as provided for  
47 under an existing treaty or international agreement, a foreign national shall be deported  
48 to the country of which the person is a citizen or national, or the foreign national's  
49 country of birth, or the country of which the foreign national is a resident, or the country  
50 from which the foreign national embarked for the Philippines, subject to the acceptance  
51 by the receiving country.



1 **SEC. 88. *Cost of Deportation.*** — The owner, operator, captain, master, pilot,  
2 agent or consignee of a vessel shall bear the cost of deportation of any of its foreign  
3 crewmembers deemed deportable under Section 77 of this Act. In all other cases, the  
4 cost of deportation shall be borne either by the deportee, by the concerned consular  
5 office, nongovernment organizations or people’s organizations with which the Bureau  
6 has an agreement on this matter, or shall be charged to the appropriations for the  
7 implementation of this Act.  
8

9 **SEC. 89. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or***  
10 ***Consignee of a Vessel.*** — Failure or refusal on the part of the owner, operator, captain,  
11 master, pilot, agent or consignee of a vessel to take on board, guard safely and transport  
12 the deportee to the foreign national’s country of destination, or to shoulder the cost of  
13 deportation of the foreign crew member as provided in the preceding Section, shall be  
14 subject to the administrative fines prescribed under Chapter 6, Title VI of this Act.  
15

16 **SEC. 90. *Designation of Accompanying Person.*** — The Commissioner may, for  
17 security reason or by reason of the mental or physical condition of the deportee, direct  
18 an employee of the Bureau to accompany such deportee to the country of the deportee’s  
19 destination, subject to the provisions of Section 88 of this Act.  
20

21 **CHAPTER 3**  
22 **INDIGENT FOREIGN NATIONALS**

23  
24 **SEC. 91. *Removal of Indigent Foreign Nationals.*** — At any time after entry,  
25 the Commissioner may remove indigent foreign nationals from the Philippines to either  
26 the country of which they are citizens or nationals, their country of birth, or their country  
27 of residence, as the case may be. The cost of deportation may be charged against the  
28 available funds of the Bureau. Any foreign national removed under this section shall be  
29 barred re-admission except upon written authorization of the Board.  
30

31 This provision shall not apply to a foreign national declared as an indigent by any  
32 Philippine court for purposes of filing a case or to pursue an action which resulted in the  
33 individual’s indigency until such case or action is resolved with finality: *Provided,* That  
34 no other grounds for deportation exist during the pendency of such case or action.  
35

36 **TITLE VI**  
37 **MISCELLANEOUS PROVISIONS**

38  
39 **CHAPTER 1**  
40 **REGISTRATION OF FOREIGN NATIONALS**

41  
42 **SEC. 92. *Requirement of Registration.*** — All foreign nationals, regardless of  
43 any exemption provided by law, shall register with the Bureau or any Immigration Office  
44 nearest to their place of residence on or before the sixtieth (60<sup>th</sup>) day of their latest  
45 arrival in the Philippines.  
46

47 **SEC. 93. *Registration Form and Oath.*** — Applications for registration shall be  
48 under oath and in such form as prescribed by the Bureau. Upon registration, a certificate  
49 of registration shall be issued to the registrant.  
50

51 **SEC. 94. *Amendment of Registration.*** — Registered foreign nationals shall  
52 notify the Bureau in writing of any change of information in their registration documents  
53 not later than seven (7) days from such change.

1           **SEC. 95. Presentation of Certificate of Registration.** — Every foreign national  
2 required to register under this Act or the parent or guardian of such foreign national shall  
3 present, upon demand by any personnel authorized by the Commissioner, a certificate  
4 of registration of such individual, and failure to do so without justifiable cause shall be  
5 dealt with in accordance with the provisions of this Act.  
6

7           **SEC. 96. Reportorial Requirements.** — Every foreign national registered under  
8 this Act shall, within the first sixty (60) days of every calendar year, report in person to  
9 the Bureau. The Commissioner may exempt personal appearance of foreign nationals  
10 registered under this Act subject to certain requirements and conditions as may be  
11 prescribed in the rules and regulations issued for the purpose.  
12

13           **SEC. 97. Failure to Comply with Requirements.** — A foreign national, or the  
14 parent or guardian of the foreign national, who, without justifiable reason, fails to comply  
15 with all the requirements under this Act, or who files an application for registration  
16 containing statements known by the individual to be false, or who utilizes registration  
17 documents other than that of the individual, shall be dealt with in accordance with the  
18 provisions of this Act and other existing laws.  
19

20           **SEC. 98. Cancellation of Registration of Foreign National.** — In case of death  
21 of a foreign national registered under the provisions of this Act, the legal heir,  
22 representative or administrator of the foreign national must inform the Bureau within  
23 sixty (60) days from such death, and the Bureau shall cancel the registration of the  
24 deceased foreign national. The Local Civil Registrar or other civil registry officer of the  
25 locality where said foreign national died shall furnish the Bureau with a copy of the  
26 Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of  
27 the persons concerned to comply with the requirements specified in this Section shall be  
28 dealt with pursuant to the provisions of existing laws.  
29

## 30           **CHAPTER 2** 31           **BONDS AND DEPOSITS** 32

33           **SEC. 99. Bonds, When Required.** — The Bureau shall have the authority to  
34 require cash bonds in such amounts and under such conditions as it may prescribe in  
35 order to:  
36

- 37           (a) control and regulate the admission into, and departure from, the Philippines  
38           of foreign nationals applying for temporary admission;
- 39           (b) insure against foreign passengers liable to be excluded as likely to become  
40           public charges; and
- 41           (c) ensure the appearance of foreign nationals released from custody during the  
42           course of deportation proceedings instituted against them.  
43

44           **SEC. 100. Requirement of Cash Deposits for Services Rendered.** — The  
45 Bureau shall likewise have the authority to require cash deposits in such amounts as  
46 may be necessary from a vessel's owner, operator, captain, master, pilot, agent, or  
47 consignee or other persons served for services rendered as established by the  
48 implementing rules and regulations.  
49

50           **SEC. 101. Cancellation and Forfeiture of Bonds.** — When the conditions of  
51 the bond are fulfilled, or in case the Commissioner determines that the likelihood that a  
52 foreign national shall become a public charge no longer exists, or in case of death of the

1 foreign national in whose behalf the bond is posted, the bond shall be cancelled and  
2 released to the depositor or the legal representative of the foreign national. In case of  
3 violation of the conditions of the bond, the same shall be forfeited and deposited in a  
4 trust fund account which may be utilized for the purchase of passage tickets for the  
5 removal of indigent foreign nationals and to cover the costs of operations in locating  
6 deportees who jump bail.  
7

8  
9  
10 **CHAPTER 3**  
11 **RECOGNIZANCE**

12 **SEC. 102. *Petitions for Recognizance, Sanction for Breach of Conditions.***

13 — The Commissioner may order the release of a foreign national upon recognizance of  
14 the foreign national's lawyer or a person who is of good standing in the community,  
15 under such terms and conditions as the Board may prescribe. Failure to comply with the  
16 terms and conditions of the recognizance shall subject said lawyer or person to a fine of  
17 not less than Fifty thousand pesos (P50,000.00) but not more than One hundred  
18 thousand pesos (P100,000.00), without prejudice to other administrative sanctions or  
19 proceedings against the erring party.  
20

21  
22 **CHAPTER 4**  
23 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

24  
25 **SEC. 103. *Interoperability.*** — The Bureau shall cooperate and coordinate with  
26 relevant government agencies and offices for purposes of the implementation of this Act.  
27

28  
29 **CHAPTER 5**  
30 **FEES AND CHARGES**

31  
32 **SEC. 104. *Authority of the Board to Prescribe, Impose and Collect Fees***  
33 ***and Charges.*** — The Board is authorized to prescribe, impose, and collect fees and  
34 charges for services rendered, pursuant to the provisions of this Act.  
35

36  
37 **CHAPTER 6**  
38 **ADMINISTRATIVE FINES**

39  
40 **SEC. 105. *Fine for Failing to Submit Crew List or Passenger Manifest, or***  
41 ***Failure to Account Every Passenger and Crew.*** — Any owner, operator, master,  
42 captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines from  
43 a place outside thereof who fails to submit to the immigration authorities a complete and  
44 accurate crew list or passenger manifest, or fails to produce or account every  
45 crewmember or passenger whose name appears in said list or manifest shall be subject  
46 to fines of One hundred thousand pesos (P100,000.00) and Fifty thousand pesos  
47 (P50,000.00) for each unaccounted crewmember or passenger, respectively.  
48

49 **SEC. 106. *Fine for Violation of Obligation on the Landing or Removal of***  
50 ***Foreign Nationals.*** — Any owner, operator, master, captain, pilot, agent, or consignee  
51 of any vessel arriving at a port of the Philippines from a place outside thereof having a  
52 foreign national on board in violation of this Act shall be fined not less than Fifty Thousand

1 pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for  
2 each act or violation consisting of:

- 3  
4 (a) Failure to prevent the landing of such foreign national in the Philippines at  
5 any time or place other than as designated by the Immigration Officer;  
6  
7 (b) Refusal or failure to detain a foreign national on board any such vessel at the  
8 port of arrival when required by this Act or so ordered by an Immigration Officer;  
9  
10 (c) Refusal or failure to deliver a foreign national for medical or other  
11 examinations when so ordered by an Immigration Personnel;  
12  
13 (d) Refusal or failure to pay the cost of maintenance and other costs, as required  
14 by this Act, of such foreign national when temporarily removed from the vessels  
15 for examination by order of the Immigration Officer;  
16  
17 (e) Refusal to receive such foreign national on board for removal from the  
18 Philippines if the foreign national is excluded, or to pay the cost of removal as  
19 required under this Act;  
20  
21 (f) Refusal or failure to take on board, guard safely and transport the deportee  
22 to the foreign national's country of destination, or to shoulder the cost of  
23 deportation of the foreign crew member; and  
24  
25 (g) Making any charge against such foreign national for the cost referred to in  
26 item (d) above, or for the cost of the removal of the foreign national from the  
27 Philippines if the latter is excluded or taking any security from the foreign national  
28 for the payment of any such costs.  
29

30 **SEC. 107. Fine for Bringing Undocumented Foreign National, or Foreign**  
31 **National Afflicted with Communicable or Contagious Disease, or Suffering from**  
32 **Mental Disorder.** — The owner, operator, master, captain, pilot, agent, or consignee of  
33 the vessel arriving at a port in the Philippines from a place outside thereof bringing on  
34 board an undocumented foreign national shall be fined One hundred thousand pesos  
35 (P100,000.00) for each foreign national. If the foreign national is afflicted with a  
36 communicable or contagious disease or is suffering from psychiatric disorder that may  
37 pose a threat to persons or danger to property as stated in Section 69 of this Act, the  
38 fine shall be not less than Two hundred thousand pesos (P200,000.00) but not more  
39 than Three hundred thousand pesos (P300,000.00) for each foreign national.  
40

41 **SEC. 108. Fine for Bringing a Foreign National to Assist His Illegal Entry**  
42 **or Misrepresenting a Foreign National as a Member of the Crew.** — The owner,  
43 operator, master, captain, pilot, agent, or consignee of the vessel arriving at any port in  
44 the Philippines from a place outside thereof bringing on board a foreign national bound  
45 for the Philippines to assist the illegal entry of the foreign national, or misrepresenting  
46 the foreign national to the Immigration Officer at the port of arrival as a bona fide  
47 member of the crew, shall be fined not less than One hundred thousand pesos  
48 (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each  
49 foreign national.  
50

51 **SEC. 109. Fine for an Overstaying Crewmember.** — Any foreign crewmember  
52 who willfully remains in the Philippines beyond the period allowed for temporary landing  
53 shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than One

1 hundred thousand pesos (₱100,000.00). The owner, operator, master, captain, pilot,  
2 agent, or consignee of the vessel shall be solidarily liable for the fine imposed on such  
3 overstaying crewmember.  
4

5 **SEC. 110. *Fine for Assaulting Immigration Personnel.*** — Any form of assault  
6 directed to any personnel of the Bureau is an act of disrespect. In case the assault is  
7 committed by a foreign national at the ports of entry and exit, such foreign national shall  
8 be excluded or deported, as the case may be, and shall be fined Two hundred thousand  
9 pesos (₱200,000.00) without prejudice to the right of the aggrieved Immigration  
10 Personnel to file appropriate criminal, civil or administrative cases against such person.  
11

12 For purposes of this Act, an Immigration Officer shall be considered a person in  
13 authority while in the performance of official duty.  
14

15 **SEC. 111. *Fine for Violation of Other Provisions of this Act.*** — The owner,  
16 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port  
17 of the Philippines from a place outside thereof who violates any other provision of this  
18 Act not specifically provided in this Chapter shall be fined not less than Fifty thousand  
19 pesos (₱50,000.00) but not more than Two hundred thousand pesos (₱200,000.00) for  
20 each violation.  
21

## 22 **CHAPTER 7**

### 23 **PENAL PROVISIONS**

24

25 **SEC. 112. *Prohibited Acts and Penalties.*** — Any person who shall commit any  
26 of the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment  
27 for not less than five (5) years but not more than ten (10) years, or a fine of not less  
28 than One hundred thousand pesos (₱100,000.00) but not more than Five hundred  
29 thousand pesos (₱500,000.00), or both imprisonment and fine, at the discretion of the  
30 court:  
31

32 (a) Impersonating another individual, or falsely appearing in the name of a  
33 deceased individual, or evading immigration laws by using an assumed or fictitious  
34 name when applying for an immigration document;  
35

36 (b) Issuing or otherwise delivering an immigration document or an immigration  
37 accountable form to any person not authorized by law to receive such documents;  
38

39 (c) Obtaining, manufacturing, printing, accepting or using any immigration or  
40 travel document knowing it to be false, or using an immigration accountable form  
41 that is not legally issued;  
42

43 (d) Entering or leaving the Philippines without inspection and admission by the  
44 immigration authorities, or obtaining entry into or departure clearance from the  
45 Philippines through fraud, misrepresentation, or concealment of material facts;  
46

47 (e) Misrepresenting oneself to be a citizen of the Philippines;  
48

49 (f) Knowingly making any false statement under oath regarding any immigration  
50 matter; or  
51

52 (g) Bringing into, or landing in the Philippines, or concealing, harboring,  
53 employing, or giving comfort to, any person not duly admitted by an Immigration

1 Personnel or not lawfully entitled to enter into or reside within the Philippines, or  
2 attempting, conspiring with, or aiding another to commit any such acts.  
3

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

18 Conviction by final judgment of any offense punishable under this Act or other  
19 related laws shall result in the automatic revocation or cancellation of any immigration  
20 document issued to the offender, including that of the foreign national's spouse and  
21 unmarried children, if applicable.  
22

23 **SEC. 113. Penalty for Aiding the Escape of Detained Foreign National.** — Any  
24 person who shall be found to have helped, assisted, supported, caused or ministered the  
25 escape, including harboring and concealing, of a detained foreign national shall, upon  
26 conviction, be imprisoned for not less than five (5) years but not more than ten (10)  
27 years and a fine of not less than Two hundred thousand pesos (₱200,000.00): *Provided*,  
28 That if the person liable is a foreign national, such person shall be deported after service  
29 of sentence: *Provided, further*, That any tools, equipment, implements or vehicles used  
30 in the escape of a detained foreign national shall be destroyed or forfeited in favor of the  
31 government.  
32

33 **SEC. 114. Penalty for Failure to Comply with Subpoena.** — Any person who,  
34 having been duly served with a subpoena, fails to comply without valid and justifiable  
35 reasons, shall suffer the penalty of imprisonment of not more than fifteen (15) days or  
36 a fine of not more than One thousand pesos (₱1,000.00), or both, at the discretion of  
37 the court.  
38

39 **SEC. 115. Imposition of Maximum Penalty, When Applicable.** — A person  
40 convicted under Republic Act No. 3019, as amended, otherwise known as the "*Anti-Graft*  
41 *and Corrupt Practices Act*", or other laws against corruption and bribery, in relation to  
42 any violation or circumvention of any provision of this Act, shall suffer the maximum  
43 penalty under the said Republic Act or other laws against corruption and bribery, as the  
44 case may be.  
45

## 46 CHAPTER 8

### 47 UPGRADING OF POSITIONS, COMPENSATION AND BENEFITS

48  
49 **SEC. 116. Creation of New Positions, Reclassification of Existing Positions**  
50 **and Upgrading of Salary Levels.** — The following positions in the Bureau are hereby  
51 created, and the existing positions reclassified or upgraded, with the corresponding  
52 salary grade levels:

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
Commissioner	Commissioner III	30	30
Deputy Commissioner	Deputy Commissioner III	29	29
Attorney V (Board of Special Inquiry)	Attorney V, Board of Special Inquiry	25	25
Attorney IV (Board of Special Inquiry)	Attorney IV, Board of Special Inquiry	23	23
Attorney III (Board of Special Inquiry)	Attorney III, Board of Special Inquiry	21	21
Attorney V (Legal Division)	Chief Legal Affairs Officer	25	25
Attorney IV (Legal Division)	Attorney IV, Legal Division	23	23
Attorney III (Legal Division)	Attorney III, Legal Division	21	21
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer	24	24
Supervising Administrative Officer (Administrative Division)	Supervising Administrative Officer, Administrative Division	22	22
Chief Immigration Officer (Alien Registration Division)	Chief Immigration Officer (Chief Alien Registration Officer)	24	24
Intelligence Officer V (Intelligence Division)	Intelligence Officer V (Chief Immigration Intelligence Officer)	24	24
Chief Immigration Officer (Law Enforcement Division)	Chief Immigration Officer (Chief Immigration Law Enforcement Officer)		24
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer (Chief Immigration Regulation Officer)	24	24
Chief Personnel Specialist	Chief Personnel Specialist (Chief Human Resource Management Officer)		24
	Supervising Human Resource Management Officer		22
Chief Administrative Officer (Finance and Management Division)	Chief Administrative Officer (Chief Finance and Logistics Officer)	24	24
Supervising Administrative Officer (Finance and Management Division)	Supervising Administrative Officer, Finance and Logistics Division	22	22
Planning Officer V (Planning and Policy Division)	Chief Planning and Research Officer	24	24
Planning Officer IV (PPD)	Planning and Research Officer IV	22	22
Planning Officer III (PPD)	Planning and Research Officer III	18	18
Planning Officer II (PPD)	Planning and Research Officer II	15	15
Planning Officer I (PPD)	Planning and Research Officer I	11	11
Information Technology Officer III (Management Information System Div)	Information Technology Officer III (Chief Information and Communications Technology Officer)	24	24
Supervising Immigration Officer (IRD, ARD, POD)	Supervising Immigration Officer	22	22
Intelligence Officer IV			
Senior Immigration Officer	Senior Immigration Officer	19	20
Immigration Officer III	Immigration Officer III	16	18
Intelligence Officer III			
Immigration Officer II	Immigration Officer II	13	15
Intelligence Officer II			
Special Investigator II			

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE				
Immigration Officer I	Immigration Officer I	11	13			
Intelligence Officer I						
Special Investigator I						
Administrative Officer V (Administrative Officer III)	Administrative Officer V	18	18			
Administrative Officer V (Cashier III)						
Administrative Officer V (HRMO III)						
Administrative Officer V (Records Officer III)						
Administrative Officer V (Supply Officer III)						
Administrative Officer V (Procurement)						
Administrative Officer V (Management and Audit Analyst III)						
Administrative Officer V (Budget Officer III)						
Computer Programmer II				Information Technology Officer I	15	19
Computer Maintenance Technologist II						
	Regional Programs Coordinator		22			
	Training Specialist III		18			
	Psychologist III		18			
	Document Examiner III		18			
	Training Specialist II		15			
	Project Development Officer II		15			
	Psychologist II		15			
	Security Officer II		15			
	Computer Programmer I		11			

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

8  
9 **SEC. 117. Additional Grant of Benefits.** — The Bureau shall provide its  
10 employees with the following benefits:

- 11 (1) Night shift differential which shall be subject to Republic Act No. 11701; and
- 12 (2) Overtime pay for actual work rendered in accordance with the existing rules  
13 and regulations.

14  
15  
16  
17 **SEC. 118. Establishment of Immigration Trust Fund.** — An Immigration  
18 Trust Fund (ITF) is hereby created sourced from thirty percent (30%) of the immigration  
19 fees, fines and penalties, and other income that may be collected by the Bureau for the  
20 effective implementation of this Act: *Provided*, That the amount shall not exceed One  
21 billion two hundred million pesos (₱1,200,000,000.00) every year: *Provided, further*,



1 That any excess in the collections under this paragraph shall accrue to the general fund  
2 of the national government.

3  
4 The ITF shall be managed by the Board in accordance with existing government  
5 auditing rules and regulations, and shall be used exclusively for the following:

- 6  
7 (a) 50% for the modernization of equipment, facilities and offices used by  
8 employees of the Bureau, including capital outlay for the establishment of  
9 new buildings and field offices for the effective implementation of this Act;  
10  
11 (b) 30% for the payment of employee benefits provided in this Act, and as may  
12 be hereafter provided by the Board with the approval of the Secretary of  
13 Justice; and  
14  
15 (c) 20% for the further professionalization of the employees of the Bureau  
16 including trainings, seminars and other career advancement programs.  
17

18 All interest income, dividends and earnings accrued from the ITF shall also form  
19 part of the fund. No portion of the ITF shall revert to the general fund of the national  
20 government, except when the ITF is no longer necessary for the purposes for which it  
21 was established.  
22

23 Collections from express lane fees under Section 11 (n) of this Act shall not form  
24 part of the ITF, and shall be used strictly in accordance with the said provision.  
25  
26

## 27 CHAPTER 9 28 ELECTRONIC TRANSACTIONS

29  
30 **SEC. 119. *Development and Implementation of Electronic Systems.*** — The  
31 Bureau shall develop and implement electronic systems to facilitate transactions through  
32 the use of digital and electronic technology, including the processing of admission, visa  
33 transactions, citizenship, and alien registration, as well as the submission of reports,  
34 notices and documents required under this Act.  
35

36 The Bureau shall develop and implement an infrastructure plan to facilitate the  
37 electronic transmission and conveyance of government services in order to:

- 38  
39 (a) Facilitate convenience in arrival and departure processes through  
40 e-systems;  
41  
42 (b) Accept the creation, filing or retention of such documents in the form of  
43 electronic data messages or electronic documents;  
44  
45 (c) Issue permits, visas, certification or approval in the form of electronic data  
46 messages or electronic documents;  
47  
48 (d) Require or accept payments, and issue receipts acknowledging such  
49 payments, through systems using electronic data messages or electronic  
50 documents; and

- 1 (e) Accept or issue any document in the form of electronic data messages or  
2 electronic documents upon the adoption, promulgation and publication of  
3 appropriate rules, regulations and guidelines.  
4

5  
6 **CHAPTER 10**  
7 **TRANSITORY PROVISIONS**  
8

9 **SEC. 120. *Interim Period.*** — The incumbent Commissioner and the two Deputy  
10 Commissioners, if qualified under this Act, shall continue to discharge the functions of  
11 their position unless otherwise removed by the President. All personnel of the present  
12 Bureau of Immigration shall continue to discharge the functions of their positions pending  
13 the reorganization as provided in this Act.  
14

15 **SEC. 121. *Reorganization of the Bureau.*** — Upon approval of this Act, all  
16 employees of the Bureau of Immigration covered by civil service rules and regulations  
17 shall continue to hold their present positions pending the reorganization of the Bureau  
18 in accordance with the new staffing pattern: *Provided*, That the salaries, wages,  
19 allowances and other benefits of incumbent officers and employees of the Bureau shall  
20 not be subject to diminution: *Provided, further*, That employees who have been  
21 dismissed for cause shall no longer qualify for any position in the Bureau.  
22

23 **SEC. 122. *Inventory and Transfer of Properties, Accounts, Assets,***  
24 ***Liabilities and Obligations to the Commission.*** — All buildings, properties,  
25 equipment, facilities, accounts, other assets, liabilities and other obligations as well as  
26 records of the Bureau of Immigration shall be properly inventoried and transferred to  
27 the Bureau.  
28

29 **SEC. 123. *Force of Treaty or Agreement.*** — Any treaty or agreement entered  
30 into between the Philippines and any foreign state before the effectivity of this Act shall  
31 remain in force and effect.  
32

33 **SEC. 124. *Pending Cases.*** — Any prosecution, suit, action, proceeding, or any  
34 act or matter, civil or criminal, pending at the time of the effectivity of this Act shall  
35 not be affected by any of the provisions of this Act unless otherwise explicitly  
36 stated herein.  
37

38  
39 **CHAPTER 11**  
40 **ADMINISTRATION AND IMPLEMENTATION**  
41

42 **SEC. 125. *Implementing Rules and Regulations.*** — Within sixty (60) days  
43 from the effectivity of this Act, the Commissioner shall, in coordination with the  
44 Secretaries of Justice, Foreign Affairs and Budget and Management, promulgate the rules  
45 and regulations for the effective implementation of this Act.  
46

47 **SEC. 126. *Appropriations.*** — The amount necessary for the initial  
48 implementation of this Act shall be charged against the current year's appropriation  
49 of the Bureau of Immigration. Thereafter, such sums as may be necessary for the  
50 continued implementation of this Act shall be included in the annual General  
51 Appropriations Act.

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**CHAPTER 12**  
**FINAL PROVISIONS**

**SEC. 127. Separability Clause.** — Should any provision of this Act be declared invalid, the remaining provisions shall continue to be in force and effect.

**SEC. 128. Repealing Clause.** — Commonwealth Act No. 613, otherwise known as the "Philippines Immigration Act of 1940", as amended, Republic Act No. 562 entitled "Alien Registration Act of 1950", as amended, and Republic Act No. 750 entitled "An Act Designating as Special Agents of the Bureau of Immigration All Provincial, City and Municipal Treasurers, and Providing for the Allocations to the Provincial, City, and Municipal Governments of Ten Per Centum of Certain Fees Collected in Their Respective Territorial Limits", are hereby repealed. All other laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

**SEC. 129. Effectivity.** — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

