

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Honorable Rufus B. Rodriguez and
Maximo B. Rodriguez, Jr.

House Bill No. 1074

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 4148 by the undersigned Rufus B. Rodriguez during the Fourteenth Congress. It was approved by the Committee on Justice as substitute House Bill No. 6568 under Committee Report No. 2207 dated July 7, 2009. It was approved on 2nd reading on November 17, 2009 and 3rd reading on December 15, 2009. The bill was transmitted to the Senate on September 15, 2009 and a conference committee was agreed upon by the Senate on January 27, 2010.

Despite numerous developments in technology and communication, there are several antiquated laws in our statute books which are no longer relevant to modern times. One of them is Commonwealth Act No. 613, otherwise known as the "Philippine Immigration Act of 1940". Although some amendments and revisions have been effected to this law, many of its provisions have ceased to be responsive to present day conditions and realities, and there are still many problematic areas and concerns that have not been adequately addressed.


Events of recent years have disclosed that many aliens in the country have been involved, at one time or another, in organized crimes like illegal recruitment, prostitution, drug trafficking, terrorism, human smuggling and the like, all of which greatly resulted in the general impression of both Filipinos and foreigners alike that some aliens have contributed to a sufficient degree to the rise in criminality in our country.

Under these circumstances, it can not be overemphasized that there is an urgent need to adopt stricter rules and regulations to protect the security, morals, safety and health of our people and the country in general. This bill carries the following salient features to address the matter.

1. A new, streamlined and restructured Commission on Immigration and Naturalization is proposed providing for (a) a systematized gathering, compiling, storage and reckoning/analysis of records, data and statistics on aliens, and (b) a clearer delineation of functions among the different divisions/departments so as to cut bureaucratic red tape and overlapping functions.
2. The proposed Commission on Immigration and Naturalization will now act on administrative naturalization matters in addition to its immigration related services.

3. The proposed law expands the classes of aliens who are ineligible for admission into the country.
4. The proposed law provides more visa categories and immigration privileges for foreign investors to support the country's policy of attracting foreign investments.
5. The proposed law provides guidelines on the handling of recent international developments in the matter of refugees, stateless persons and asylees.
6. The proposed law provides stiff penalties for trafficking of persons.
7. It will make the Commissioners career officials with a fixed term of seven (7) years.

In view of the foregoing, the passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

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

PHILIPPINE IMMIGRATION ACT OF 2010

TITLE I GENERAL PROVISIONS

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

SEC. 2. *Declaration of Policy.* – It is hereby declared that the Philippine immigration structures, policies, rules and regulations established under this Act shall be designed, operated and administered in such a manner as to promote the domestic and international interests of the Philippines, recognizing the need to:

- (a) Administer the entry and admission of visitors into the Philippines for the purpose of fostering investments, trade and commerce, cultural and scientific activities, tourism and international understanding;
- (b) Enrich and strengthen the cultural and social fabric of the Philippines;
- (c) Ensure that any person who seeks admission into the Philippines on either permanent or temporary basis is subject to standards of admission that are consistent with the basic principles of justice and fair play, the generally accepted principles of international law and State obligations under treaties and international agreements that the Philippines is a party to;
- (d) Take an active participation in the advancement of national security and national interest;
- (e) Foster the development of a strong and viable economy and the prosperity of the country;
- (f) Institutionalize and strengthen the mechanisms for the protection of the family, health, morals, safety and good order of the Philippine society;
- (g) Promote international order and justice by denying the use of

Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities;

(h) Streamline and strengthen the existing governmental structures charged with the administration and enforcement of immigration, asylum and related laws, rules and regulations in order to make them adaptive to the growing immigration demands of the country; and

(i) Professionalize the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

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

(a) *Admission* shall refer to the process by which a foreigner arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;

(b) *Asylum seeker* shall refer to a foreigner who seeks recognition and protection as a refugee;

(c) *Board* shall refer to the Board of Commissioners provided for in this Act;

(d) *Border control officer* shall refer to any person appointed under Section 29 of this Act or any employee of the Commission designated by the Commissioner to perform the powers, duties and functions of a Border Control Officer as specified under this Act;

(e) *Captain* shall refer to the master of a vessel or pilot of an aircraft;

(f) *Child* shall refer to a person below eighteen (18) years of age;

(g) *Citizen* shall refer to any person who is a citizen of the Philippines as provided for under Article IV of the 1987 Constitution;

(h) *Commission* shall refer to the Commission on Immigration;

(i) *Commissioner* shall refer to the Commissioner of Immigration;

(j) *Consular officer* shall refer to any official of the government of the Philippines designated/appointed by the President for the purpose of issuing visas to foreigners as required of foreigners by this Act;

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

(l) *Exclusion* shall refer to the act of border control officers denying admission of a foreigner into the country on grounds provided for in this Act;

(m) *Foreigner* or *foreign national* shall refer to any person not a citizen of the Philippines;

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

(o) *Immigrant* shall refer to any foreign national departing from any

place outside the Philippines destined for the Philippines, other than a non-immigrant;

(p)*Immigration laws* shall refer to this Act and any other law presently existing or which may hereafter be enacted relating to movement of natural persons to and from the Philippines, and their exclusion, interception, deportation and repatriation;

(q)*Interception* shall refer to the act of Border Control Officers denying departure clearance to any person leaving the country on grounds provided for in this Act;

(r)*Non-immigrant* shall refer to any foreigner departing from any place outside the Philippines who is allowed entry and admission into the Philippines for a temporary or limited period of stay;

(s)*Passport* shall refer to a document issued by the Philippine government to its citizens and requesting other governments to allow its citizens to pass safely and freely, and in case of need to give him/her all lawful aid and protection;

(t)*Person* shall refer to natural and juridical person such as partnerships, corporations, companies and associations;

(u)*Port of entry* shall refer to any port designated by competent authority in accordance with law through which a foreigner may apply to the border control officer thereat for admission into the Philippines;

(v)*President* shall refer to the President of the Republic of the Philippines;

(w)*Refugee* shall refer to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail himself/herself of the protection of that country;

(x)*Seaman, seafarer or crew member* shall refer to a person actually employed in the operation or service in any capacity on board a vessel;

(y)*Secretary* shall refer to the Secretary of the Department of Justice;

(z)*Stateless person* shall refer to a person who is not considered a national by any State under the operation of its laws;

(aa)*Travel document* shall refer to a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of the Philippine Passport Act;

(bb)*Vessel* shall refer to all means of conveyances, whether aircraft or seacraft; and

(cc)*Visa* shall refer to an endorsement on a passport or any travel document issued by a consular officer abroad authorizing the holder thereof to proceed to a designated port of entry in the Philippines and there to apply for entry and admission under the status specified therein; or immigration status granted and/or issued to foreigners by the Commissioner under this Act.

TITLE II COMMISSION ON IMMIGRATION

Chapter 1 – The Commission

SEC. 4. *Creation.* – A Commission on Immigration is hereby created which shall be principally responsible for the administration and enforcement of immigration, alien registration including, but not limited to, those dealing with the admission, exclusion, registration, deportation and repatriation of foreigners, and the implementation of all laws, rules, regulations or orders of any competent authority concerning the entry and admission into and the departure from the Philippines of all persons. The Commission shall be under the administrative supervision of the Office of the President.

SEC. 5. *Composition and Qualification.* – The Commission shall be administered by a Board of Commissioners headed by the Commissioner as Chairman, and four (4) Associate Commissioners as members, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, and holders of a college degree, and with at least three (3) years of relevant experience in immigration-related work, public administration or management. And that majority or three (3) members of the Commission shall be lawyers of good standing for the past ten (10) years.

Chapter 2 – The Commissioner

SEC. 6. *Appointment Rank and Tenure of the Commissioner.* – The Commissioner shall be appointed by the President and shall hold office for a term of three (3) years to start from the time of assumption of office with the possibility of reappointment for another term. He/She shall have the rank, salary and privileges equivalent to an undersecretary of a department. At the expiration of the term of the Commissioner, the most senior Associate Commissioner shall temporarily assume and perform the duties and functions of the Commissioner until a permanent Commissioner is appointed by the President. Any vacancy prior to the expiration of the term of the Commissioner shall be filled up for the unexpired term only.

The Commissioner shall be charged with the administration and enforcement of this Act and all other laws relating to immigration, alien registration and shall implement all laws, rules, regulations or orders of any competent authority concerning the entry into, stay and departure from the Philippines of all persons, except, insofar as this Act or such laws relative to the powers, duties and functions conferred upon the President, and the Secretaries of the Departments of Justice and Foreign Affairs or consular officers.

SEC. 7. *Powers and Functions of the Commissioner.* – In addition to his/her duties as Chairman of the Board of Commissioners, the Commissioner of Immigration shall exercise the following powers and functions:

- (a) Supervise, direct and coordinate the overall operations of the Commission;
- (b) Appoint, and exercise control and supervision over, the officers and personnel of the Commission, subject to existing civil service laws,

rules and regulations;

(c) Issue:

- (1) Mission orders after determination of the existence of probable cause;
- (2) Commitment or release orders;
- (3) Warrants of deportation;
- (4) hold departure orders;
- (5) allow entry or departure orders;
- (6) Orders for blacklisting; and
- (7) Orders implementing watchlist orders issued by the Department of Justice;

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

(e) Act on petitions/applications for issuance, conversion, adjustment, amendment, extension or waiver of immigrant, non-immigrant and special non-immigrant visas, as the case may be;

(f) Act on petitions for declaration of indigency;

(g) Declare such control posts, landing places, airports or ports/points of entry or exit, whether limited or unlimited, as may be deemed necessary;

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

(i) Issue certificates of identification to foreigners who have obtained Filipino citizenship;

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

(k) Deputize any official or employee of the national and local government unit, including uniformed personnel of the Armed Forces of the

Philippines, to perform immigration duties and functions subject to the concurrence of the Board;

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

(m) Impose reasonable fines and penalties for violation of immigration and alien registration laws in accordance with guidelines adopted by the Commission;

(n) Authorize immigration employees to do overtime work at rates fixed by him/her when the services rendered is to be paid for by the shipping companies, airlines or other persons served;

(o) To provide an express lane for the rendition of services performed for individuals and entities upon payment of the fees he/she may prescribe and to deposit in an authorized government depository all such fees received under a trust fund subject to auditing and accounting rules that may be made available for the payment of allowances to employees of the Commission;

(p) Accept donation of materials, equipment or technical services

from any foreign government, international or domestic organization, to upgrade the efficiency and operations of the Commission;

(q) Submit to the President, and to Congress, annually or as may be directed, a report on the number and the status of foreigners in the Philippines; on foreigners admitted or granted change of status as permanent residents; on foreigners who have been excluded or deported from the Philippines; on the number of foreigners estimated to be present illegally in the Philippines in each calendar year and actions taken to arrest them; by nationality grouping, for each region in the Philippines; and such other transactions of the Commission;

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

(s) Prescribe such rules, regulations or other administrative issuances to govern proceedings or to carry out the provisions of this Act;

(t) Prescribe such forms and bonds, reports, entries and other papers; and

(u) Perform such other functions inherent to the Commission.

Chapter 3 – The Associate Commissioners

SEC. 8. *Appointment, Rank and Tenure of the Associate Commissioners.* – There shall be four (4) Associate Commissioners who shall be appointed by the President and shall hold office for a term of three (3) years for the two (2) Associate Commissioners and two (2) years for the remaining two (2) Associate Commissioners renewable for another three (3) years. They shall have the rank, salary and privileges equal to an assistant secretary of a department. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

SEC. 9. *Duties of the Associate Commissioners.* – In addition to their duties as members of the Board of Commissioners, the Associate Commissioners shall exercise such powers and functions as may be delegated and assigned to them by the Commissioner.

Chapter 4 – The Board of Commissioners

SEC. 10. *Powers and Functions of the Board.* – The Board of Commissioners shall have the following powers and functions:

(a) Decide on deportation cases;

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

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

(d) Act on applications for recognition of Philippine citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225, otherwise known as the "Citizenship Retention and Reacquisition Act of 2003";

(e) Decide on applications for legalization of residence;

(f) Decide applications for refugee status or asylum;

(g) Prescribe rules governing proceedings before it;

(h) Punish for contempt in accordance with the pertinent provisions

of the Rules of Court;

(i) Prepare and publish an organizational, policy and procedures manual, to include requirements, time periods and fees for the perfection of all transactions entered into by the Commission with the public;

(j) Formulate policies, directives, programs and projects, as well as the rules and regulations and guidelines to implement the provisions of this Act; and

(k) Perform such other functions and powers as may be provided by existing laws, rules and regulations of the Commission not inconsistent with any of the provisions of this Act and other existing laws.

SEC. 11. *Decisions of the Board.* – In any case or proceeding before the Board of Commissioners, the decision of the majority shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. A motion for reconsideration may be filed with the Board before the finality of the said decision. No further motion for reconsideration shall be allowed.

Decisions in deportation cases and of any proceedings may be appealed to the Office of the President, within fifteen (15) days from receipt thereof, whose decision shall be final and executory unless stayed by an order of the Court of Appeals on *certiorari* under Rule 65 of the Revised Rules of Court.

The appeal shall stay the execution of the decision appealed from unless the Board, in the interest of national security and/or public safety, directs its execution pending appeal.

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

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

SEC. 14. *Board Secretary.* – The Board shall be assisted by a Board Secretary who shall be appointed by the Commissioner. He/She must be a member of the Philippine Bar in good standing for at least three (3) years prior to his/her designation. He/She shall keep a docket book for deportation cases, applications for revocation of immigration status, applications for recognition of Philippine citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225, applications for legalization of residence and applications for refugee status or asylum.

Chapter 5 – The Executive Director

SEC. 15. *Appointment; Tenure; Rank.* – There shall be an Executive Director of the Commission who shall be appointed by the Commissioner, with a rank, salary and benefits of Director V and whose term shall be coterminus with the Commissioner. He/She must be a natural-born citizen of the Philippines, at

least thirty (30) years of age and a member of the Philippine Bar in good standing for at least five (5) years prior to his/her appointment.

SEC. 16. *Powers and Duties.* – The Executive Director shall:

- (a) Advise and assist the Commissioner in the formulation and implementation of the objectives, policies, plans and programs of the Commission;
- (b) Serve as the principal assistant of the Commissioner in the overall supervision of the administrative business of the Commission;
- (c) Oversee all the operational activities of the Commission;
- (d) Coordinate the programs and projects of the Commission and be responsible for its economical, efficient and effective administration;
- (e) Serve as deputy to the Commissioner in all matters relating to the operational activities of the Commission;
- (f) Administer oaths in connection with all matters relating to the business of the Commission; and
- (g) Perform such other duties as may be assigned by the Commissioner.

Chapter 6 – The Board of Special Inquiry

SEC. 17. *Constitution of a Board of Special Inquiry.* – Twelve (12) Boards of Special Inquiry are hereby constituted, each to be composed of a chairman and two (2) members. Each Board shall be designated according to their areas of specialization. Among these areas are: application for immigrant and non-immigrant visas of foreign nationals in the Philippines, asylum and refugee cases, and deportation cases.

SEC. 18. *Appointment; Qualification and Tenure of the Members of the Board of Special Inquiry.* – The Chairmen and members of the Boards of Special Inquiry shall be appointed by the Commissioner, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, with at least three (3) years in actual practice. They shall hold office during good behavior, unless sooner removed for cause.

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

- (a) Administer oaths;
- (b) Punish for contempt in accordance with the pertinent provisions of the Rules of Court;
- (c) Issue subpoena *duces tecum* and subpoena to witnesses to appear in a case being heard by the Board of Special Inquiry;
- (d) Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties and other charges subject to existing laws, rules and regulations;
- (e) Exercise exclusive original authority to hear and recommend to the Board for final resolution of the following cases:
 - (1) Deportation;
 - (2) Applications for revocation of immigration status;
 - (3) Applications for recognition of Philippine citizenship by

reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225;

(4) Applications for legalization of residence; and

(5) Applications for refugee status or asylum;

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

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

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

Chapter 7 – Departments and Personnel of the Commission

SEC. 22. *Departments and Other Operating Offices of the Commission.* – The Commission shall have the following departments and other operating offices, namely: (a) Administrative Department; (b) Finance Department; (c) Information and Communications Technology Department; (d) Planning and Research Department; (e) International Policies and Cooperation Department; (f) Intelligence Department; (g) Law Enforcement and Anti-Fraud Department; (h) Legal Department; (i) Border Control and Management Department; (j) Visa and Registration Department; (k) Multi-Cultural Affairs Department; (l) Inspection Service Office; and (m) National Operations Center.

SEC. 23. *Heads of the Department and Other Operating Offices.* – Each department and other operating offices shall be headed by a Director: *Provided, however,* That the Director for Legal Department shall be a member of the Philippine Bar in good standing and the Director for Finance Department shall be a certified public accountant.

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

Chapter 8 – The Field Offices

SEC. 25. *Field Offices of the Commission.* – The Commission shall have the following field offices:

(a) Regional Immigration Office, headed by a Regional Director and assisted by an Assistant Regional Director and such other subordinate officers or employees as the Commissioner may appoint; and

(b) Provincial Immigration Office, headed by a Provincial Supervisor and

assisted by such other subordinate officers or employees as the Commissioner may appoint.

The Commission may delegate its powers and functions or order the implementation or enforcement of its orders or decisions through the heads of its field offices.

SEC. 26. *Changes in the Composition, Distribution and Assignment of Field Offices.* – The Commissioner may make changes in the composition, distribution and assignment of field offices, as well as its personnel, based on the demographics of Philippines' foreigner population and as the exigency of the service may require.

Chapter 9 – Other Officers of the Commission

SEC. 27. *Immigration Attachés.* – The positions of *Immigration Attaché* are hereby created to be appointed by the President upon the recommendation of the Commissioner. No person shall be appointed to the said position unless he/she has been employed in the Commission holding a position not lower than a Section Chief for at least five (5) consecutive years immediately prior to his/her appointment with the appropriate eligibilities for such a post and should not have any administrative or criminal case filed against him/her.

SEC. 28. *Powers, Duties and Responsibilities of Immigration Attachés.* – The *Immigration Attachés* shall exercise the following powers, duties and responsibilities:

- (a) Implement the laws, policies, programs and the rules and regulations of the Commission;
- (b) Receive and process applications for and issue visas and other immigration documents as may be delegated by the Commissioner;
- (c) Collect immigration fees and other charges as may be allowed by the Commissioner;
- (d) Prescribe guidelines, not inconsistent with this Act or regulations of the Commission, for the effective administration in his/her area of responsibility, the same to be effective upon approval by the Commissioner;
- (e) Supervise the officers and employees under his/her area of responsibility;
- (f) Coordinate with other Philippine government officials within his/her area of responsibility; and
- (g) Perform such other functions as may be provided by law or as directed or delegated to him/her by the Commissioner.

SEC. 29. *Border Control Officers.* – The position of a border control officer is hereby created. No person shall be appointed to the position of a border control officer unless he/she is a holder of a bachelor's degree and a first grade civil service eligible. The border control officer shall perform the following duties:

- (a) Examine, with the assistance and advice of medical authorities in appropriate cases, foreigners at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;
- (b) Exclude foreign nationals not properly documented, and to admit

foreign nationals complying with the applicable provisions of immigration and related laws;

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

(d)Board and search for foreign nationals on any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to arrest without warrant any foreigner who in his/her presence or view is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;

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

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

SEC. 30. *Designation of Employees.* – The Commissioner may designate, in accordance with civil service laws, rules and regulations, any competent and qualified employee of the Commission, to act as border control officer; or assign any employee to other offices within the Commission and/or assign him/her additional or other duties as the best interest or exigency of the service may require.

SEC. 31. *Assignment of Employees to Do Overtime Work.* – The Commissioner may assign immigration employees to do overtime work or services pursuant to rules and regulations to be prescribed at rates fixed by the Commissioner when the work or service to be rendered is to be paid by the airline, shipping companies or other persons served.

TITLE III IMMIGRATION

Chapter 1 – Non-immigrants

SEC. 32. *Categories of Non-immigrants and Types of Visa Issued.* – Foreign nationals departing from any place outside the Philippines who are otherwise admissible and who qualify within one (1) of the following categories may be admitted as non-immigrants:

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

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

(2) Pleasure (A-2 Visa) – Stay in the Philippines for holiday, including sightseeing, recreation or visiting relatives; and

(3) Health (A-3 Visa) – Stay in the Philippines to avail of medical treatment;

(b)Transit Persons (B Visa) – Persons passing through the Philippines solely

for a "stop over" who have confirmed connecting flight to another country or passengers in immediate and continuous transit through the Philippines to a destination outside thereof;

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

(d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa) – Citizens and their family members from a country that has a trade treaty with the Philippines and coming to work in the Philippines for either a company they own or one that is at least fifty percent (50%) owned by other nationals of their home country and which company is engaged in substantial trade between the Philippines and their home country shall be granted a D-1 Visa.

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

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

(1) Persons Entitled to E-1 Visa – The E-1 Visa shall be issued to persons enjoying diplomatic immunities and privileges, particularly the following classes of foreign nationals:

- (i) Heads of the State and Heads of Government and their personal representatives;
- (ii) Members of reigning royal families recognized by the Philippine government;
- (iii) Governors-general, governors and high commissioners of dependent territories and their personal representatives;
- (iv) Cabinet ministers and their deputies and officials with cabinet rank of ministers;
- (v) Presiding officers of national legislative bodies;
- (vi) Justices of the highest national judicial bodies;
- (vii) Diplomats and career consular officials;
- (viii) Diplomatic couriers regularly and professionally employed as such;
- (ix) Military, naval, air and other attachés assigned to a diplomatic mission;
- (x) All members of official *ad hoc* missions of a diplomatic character;
- (xi) Representatives of international organizations who have diplomatic status and bearing diplomatic passports issued by their governments;

- (xii) Officials of international organizations bearing diplomatic passports when traveling on official business;
- (xiii) Members of delegations proceeding to or from an international conference of an official nature;
- (xiv) Accompanying wives and unmarried minor children of foreigners within the abovementioned categories; and
- (xv) Such other officials going to the Philippines on Diplomatic missions.

(2) Persons Entitled to E-2 Visa – The E-2 Visa shall be issued to any other person not included in the foregoing list, who is an officer of a foreign government recognized by the Philippines, is a national of the country whose government he/she represents, and is proceeding to the Philippines in connection with official business for his/her government. This category includes, *inter alia*, the members of the staff of an embassy or consulate, the staff of international organizations and official students or participants in programs under the auspices of the Philippine government or recognized international institutions.

The family members of the abovementioned persons shall also be issued E-2 Visa.

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

(f) Students (F Visa) – Foreign students having means sufficient for their support and education in the Philippines who seek to enter the Philippines temporarily for the sole purpose of taking up a course of study higher than high school at a university/seminary, academy or college accredited for such foreign students by the Commissioner: *Provided*, That the Commissioner shall, in collaboration with the Commission on Higher Education, regularly monitor the status and activities of said foreign national students in the Philippines under such arrangements as may be agreed by the two (2) agencies;

(g) Foreigners under Prearranged Employment (G Visa) – Foreign nationals coming to the Philippines on prearranged employment, including their family members accompanying or following to join them within the period of their employment. These include intra-company transferees, professionals, performing artists and athletes, and cultural exchange workers under a work exchange program: *Provided*, That the same conforms with the laws regulating the employment of professionals, among others, as provided under specific laws such as the Professional Regulation Act;

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

(i)Representatives of International Organizations and Government Agencies (I Visa) – Officials and principal representatives and foreign workers of accredited international organizations as well as missions, including their family members, staff and servants. As used herein, the term "accredited international organization" includes any public international organization in which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation and such other international organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act. The term "servants" refers to members of the households and employees of persons to whom the E-3 Visa has been granted;

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

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

(l)Refugees (L-1 Visa) and Stateless Persons (L-2 Visa) – Refugees as defined in Section 3(w) hereof shall be issued L-1 Visa. Stateless persons, whose admission for humanitarian reasons and not inimical to public interest has been approved by the Commissioner or the President in such class of cases and under such conditions as he/she may prescribe, shall be issued L-2 Visa; and

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

Chapter 2 – Immigrants

SEC. 33. *Quota Immigrants.* – Subject to conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed "*quota* immigrants", not to exceed fifty (50) of any one nationality based on immigration reciprocity for any one (1) calendar year, and upon allotment by the Commissioner of the corresponding quota number. In the allotment of quota numbers, the following order of preference shall be observed:

(a)First Preference – those whose service and qualifications show high educational attainment, technical training, specialized experience or exceptional ability in the sciences, arts, professions or business as

would reasonably enhance and contribute substantial benefits prospectively to the national economy, or cultural or educational interests or welfare of the Philippines, including their family members, accompanying or following to join them, who shall likewise be allotted individual quota numbers;

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

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

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

SEC. 34. *Allotment of Quota.* – The Commissioner shall, in allotting quota numbers for the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of June each year: *Provided, however,* That if the fifty percent (50%) is not utilized by the first preference, the balance thereof shall be given to the second and third preferences following the order of preference specified under Section 33 of this Act. Any unused quota allotment for a calendar year cannot be carried over and utilized for the ensuing calendar year.

SEC. 35. *Basis in Determination of Quota Allotment.* – The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 33 of this Act shall be that of the country of which the immigrant is a national or a citizen. The nationality of an immigrant possessing dual nationality may be that of either of the two (2) countries regarding him/her as a national or citizen if he/she applies for a visa in a third country. If he/she applies for a visa within one of the two (2) countries regarding him/her as a national or citizen, his/her nationality shall be that of the country in which he/she shall file his/her application for a visa to enter the Philippines.

SEC. 36. *Non-quota Immigrants.* – The following immigrants, termed “non-quota immigrants”, may be admitted without regard to numerical limitation and immigration reciprocity:

(a) The spouse of a Philippine citizen: *Provided, however,* That the abandonment and failure to give support by the foreign spouse to his/her Filipino spouse and family, legal separation or termination of the marital status by annulment or divorce where the cause is attributable to the foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to the foreign spouse;

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

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

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

(e) A natural-born citizen who becomes a naturalized citizen of a

foreign country and is returning to the Philippines for permanent residence therein, including his/her spouse and minor children accompanying or following to join him/her, except those who have reacquired or retained their Philippine citizenship pursuant to Republic Act No. 9225.

SEC. 37. *Status of Children Born to Foreign Nationals.* – A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident. However, a child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless he/she reaches the age of eighteen (18) years while continuously residing in the country, in which case he/she may apply for an appropriate visa under this Act.

Chapter 3 – Adjustment of Status

SEC. 38. *Conditions for Adjustment of Status of Foreign Nationals.* – The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board, in its discretion and under such regulations as the Commissioner may prescribe, to that of a foreigner lawfully admitted for permanent residence if: (a) the foreigner makes an application for such adjustment; (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines for permanent residence; and (c) a quota immigrant visa, if such is the case, is immediately available to him/her at the time his/her application is filed, without the need of first departing from the Philippines. In all such cases, the personal appearance of the foreigner shall be required during the consideration of his/her application.

SEC. 39. *Effect of Approval on Application for Adjustment.* – Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission for permanent residence as of the date of approval of the application. The Commissioner shall reduce by one the number of the preference immigrant visa authorized to be issued under Section 33 of this Act within the class to which the foreign national is chargeable for the calendar year then current, if such be the case.

SEC. 40. *Adjustment of Status, When Not Allowed.* – Adjustment of status under Section 38 of this Act shall not be applicable to: (a) a foreign crewman; (b) a foreign national who hereafter continues in or accepts unauthorized employment prior to filing of his/her application or who is in unlawful immigration status on the date of filing of his/her application or who has failed (other than through no fault of his/her own or for technical reasons) to maintain continuously a lawful status since entry into the Philippines; (c) a foreign national admitted as a temporary visitor without visa; and (d) transients.

Chapter 4 – Documentation and Admission of Non-immigrants

SEC. 41. *Documentary Requirements of Non-immigrants.* – Non-immigrants

must present for admission into the Philippines valid passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations and a valid visa granted by the Commission or Philippine Consular Officer, if required under existing laws, rules, regulations or multi-lateral or bilateral agreements.

SEC. 42. *Conditions and Period of Authorized Stay of Temporary Visitors.* – The initial period of authorized stay of a foreign national admitted as a temporary visitor under Section 32, paragraph (a) of this Act shall not exceed two (2) months from the date of arrival. Extensions of authorized stay may be granted under terms and conditions as may be prescribed by the Commissioner: *Provided*, That the total period of authorized stay shall not exceed twenty-four (24) months: *Provided, further*, That during the foreign national's authorized stay: (a) he/she shall not take any employment, whether paid or unpaid; (b) he/she shall not establish or join in any business; or (c) he/she shall not enroll and become a student at a school, college, university, academy or other educational institution, unless he/she is granted, upon proper application, a conversion to another immigration status provided under this Act.

SEC. 43. *Conditions for Issuance of Prearranged Visas.* – A visa for a non-immigrant referred to in Section 32, paragraph (g) of this Act who is coming to the Philippines for prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only upon petition filed with the Commissioner establishing that no person can be found in the Philippines willing and competent to perform the work or service for which the non-immigrant is desired and that the non-immigrant's admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his/her representative. The petition shall state fully the nature of the work or service for which the non-immigrant is desired, the probable length of time for which he/she is to be engaged, the salary and other compensation which he/she is to receive, the reasons why a person in the Philippines cannot be engaged to perform the work or service for which the non-immigrant is desired and why the non-immigrant's admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the non-immigrant's service and shall contain such additional information as may be deemed material. Substantiation of all the allegations made in the petition shall be required and the allegations that no person can be found in the Philippines willing and competent to perform the work or service for which the non-immigrant is desired and that the non-immigrant's admission would be beneficial to the public interest shall be established beyond doubt by convincing and satisfactory evidence.

If the Commissioner finds that the petition complies with the requirements of the preceding paragraph and that the petitioner has established the facts entitling him/her to the authorization, the Commissioner shall grant the petition and he/she shall so inform the petitioner and promptly

transmit authorization to the Consular Office at which the non-immigrant is to apply for a visa.

SEC. 44. *Submission of Crew List and Passenger Manifest to the Commission.* – Simultaneous to the departure from the vessel's port of origin, the master, captain, agent, owner or consignee of any commercial vessel arriving to the Philippines shall submit to, and received by the Commission within a reasonable time prior to such arrival, the crew lists, passenger manifests and such other information concerning the persons arriving on such vessel. In the same manner and condition, the master, captain, agent, owner or consignee of any commercial vessel departing from any port in the Philippines shall submit to, and received by the Commission within a reasonable time prior to such departure, the crew list, passenger manifest and such other information concerning the persons departing on such vessel. The crew lists of an incoming seacraft shall be duly issued visas by the appropriate Philippine official abroad.

SEC. 45. *Inspection of Crew Members.* – It shall be the duty of the master, captain agent, owner or consignee of any vessel arriving in the Philippines to have available on board, for inspection by the border control officer, any foreign crew member employed on such vessel and to detain such crew member on board after inspection and to remove such crew member when required by the immigration authorities. No crew member employed on board such vessel shall be paid off or discharged while the vessel is in port without the permission of the Commissioner.

SEC. 46. *Permission for Temporary Landing of Foreign Crewmembers.* – A foreign crew member employed on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as shall be prescribed by the Commission. The expenses incurred while on land or awaiting repatriation, for medical treatment in a hospital or elsewhere, burial in the event of death, and for transfer to the vessel in the event of return of any crew member shall be borne by the master, captain, agent, owner or consignee of the carrying vessel.

Chapter 5 – Asylum

SEC. 47. *Asylum Seekers; Grant of Refugee Status.* – Asylum seekers may apply for recognition of refugee status upon seeking admission at any port of entry or at any reasonable time after admission. Refugee status shall be granted after a determination by the Board that an applicant meets the qualifications of a refugee as defined in Section 3 hereof. Refugee status shall not be granted to an applicant if:

- (a) He/She has committed a crime against peace, a war crime or crime against humanity as defined in international laws;
- (b) He/She has committed a serious nonpolitical crime outside the Philippines prior to his/her admission as a refugee; or
- (c) He/She has been guilty of an act contrary to the purposes and principles of the United Nations.

SEC. 48. *Cessation of Refugee Status.* – Refugee status granted under the

previous section shall cease if a refugee:

(a) Voluntarily re-avails of the protection of the country of his/her nationality, or having lost his/her nationality voluntarily reacquires the lost nationality, or voluntarily reestablishes himself/herself in the country he/she left or outside of which he/she remained owing to fear of persecution;

(b) Acquires a new nationality and enjoys the protection of the country of the new nationality; or

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

SEC. 49. *Effect of Grant of Refugee Status to Refugee Dependents.* – A spouse, minor child and other dependents of a refugee who is granted asylum may, if not otherwise eligible for asylum under Section 47, be granted the same status as the refugee to assure family unity or when it is in the public interest.

SEC. 50. *Confidentiality of Information.* – In proceedings for the recognition of asylum or refugee status, the confidentiality of information shall be respected and no information relating to the refugee or asylum seekers shall be shared with the country of origin, directly or indirectly.

SEC. 51. *Burden of Proof.* – In proceedings for the recognition of asylum or refugee status, the burden of proof lies with the applicant, subject to the principle of non-refoulment.

SEC. 52. *Stay of Exclusion or Deportation of Asylum Seeker.* – Notwithstanding the provisions of Sections 77 and 85, the exclusion from entry and deportation of a foreigner shall be stayed during the pendency of an application for asylum, refugee or humanitarian status. Where grounds under Section 77 are present, the asylum seeker or refugee shall be allowed entry and the application shall be immediately referred by the border control officer to the Board of Special Inquiry.

SEC. 53. *Detention of Asylum Seeker.* – Detention of asylum seekers shall only be resorted to in cases arising out of illegal entry or unauthorized stay after consideration of other alternatives, as may be determined by the Commissioner.

Chapter 6 – Documentation and Admission of Immigrants

SEC. 54. *Documentary Requirements of Immigrants; Instances When Not Required.* – Immigrants must present for admission into the Philippines valid passports or travel documents issued by the government of the country to which they owe allegiance, showing their origin and identity and valid visas issued by the Commissioner or Philippine consular officer indicating the date

of issue and the period of validity thereof. Immigrant visas, however, shall not be required of the following:

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

(b) A child born during the temporary visit abroad of the mother who is a lawful permanent resident of the Philippines and a holder of a valid reentry permit, if the child is accompanied by either parent within five (5) years from the date of the child's birth; and

(c) A foreigner who is returning to an unrelinquished lawful permanent residence in the Philippines after a temporary residence abroad and presents for admission a valid reentry permit.

Chapter 7 – Visa Issuance

SEC. 55. *Nature of Visa.* – 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, he/she is found to be inadmissible under this Act or any other law.

SEC. 56. *Requirements for Issuance of Visa.* – Under the conditions and subject to the limitations prescribed in this Act or regulations issued hereunder, the Commissioner may approve the issuance of the following visa, upon the recommendation of the immigration *attaché* or a consular officer:

(a) A non-immigrant visa to a foreign national who has made proper application therefor, which shall specify the classification of the non-immigrant under Section 32 of this Act, the period during which the visa shall be valid, and such additional information as may be required; and

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

SEC. 57. *Requirements for Physical and/or Mental Examination Prior to Issuance of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign national, the immigration *attaché* or consular officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Commissioner. In addition, said foreign national shall be required to personally plant fifty (50) trees, except when he/she is physically incapable of doing so, in which case, he/she may cause another person plant the trees.

SEC. 58. *Validity of Visa.* – A non-immigrant or immigrant visa issued by an immigration *attaché* or a consular officer abroad pursuant to the immediately preceding section shall be valid for a period not exceeding six (6) months. In prescribing the period of validity of a non-immigrant visa, the immigration *attaché* or consular officer shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to citizens of the Philippines who are within a similar class.

An immigrant visa may be replaced under the original number during the

of issue and the period of validity thereof. Immigrant visas, however, shall not be required of the following:

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

(b) A child born during the temporary visit abroad of the mother who is a lawful permanent resident of the Philippines and a holder of a valid reentry permit, if the child is accompanied by either parent within five (5) years from the date of the child's birth; and

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(a) A non-immigrant visa to a foreign national who has made proper application therefor, which shall specify the classification of the non-immigrant under Section 32 of this Act, the period during which the visa shall be valid, and such additional information as may be required; and

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

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An immigrant visa may be replaced under the original number during the

calendar year in which the original visa was issued for a foreigner who establishes to the satisfaction of the immigration *attaché* or consular officer that he/she was unable to use the original immigrant visa during the period of its validity for reasons beyond his/her control: *Provided*, That the foreign national is found by the immigration *attaché* or consular officer to be eligible for another immigrant visa and has paid all the fees.

SEC. 59. *Denial of Visa; Grounds Thereof.* – The immigration *attaché* or consular officer may deny the application for visa:

(a) If it appears from the statements in the application or in the documents submitted therewith, the applicant is not entitled to a visa under this Act; or

(b) If applicant fails to comply with the requirements of the provisions of this Act.

SEC. 60. *Revocation of Visa Issued by Consular Officer.* – The Commissioner may, for valid cause, revoke the visa issued by any Philippine consular office and the latter shall be notified thereof through the Secretary of the Department of Foreign Affairs. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, his/her admissibility shall be determined by the border control officer upon his/her arrival at the port of entry.

Chapter 8 – Re-entry and Emigration Clearance

SEC. 61. *Re-entry.* – Every time a registered foreign national, except a temporary visitor, departs or about to depart temporarily from the Philippines with intention to return must pay a re-entry fee, emigration clearance fee and head tax: *Provided*, That said foreign national returns to the Philippines within a period of one (1) year from his/her departure in order to maintain his/her visa category, otherwise, he/she shall apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges therefor: *Provided, further*, That if his/her authorized stay is less than one (1) year, he/she shall pay a special return fee, emigration clearance fee and head tax for every departure: *Provided, finally*, That in both cases, if the registered foreign national departs permanently from the Philippines, he/she shall surrender all his/her Philippine immigration documents to the Commission, and apply for and be issued an Emigration Clearance Certificate upon payment of the prescribed fees and charges therefor, subject to the following conditions:

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

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

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

SEC. 62. *Emigration Clearance.* – Any temporary visitor departing from the Philippines shall, after the expiration of his/her initial authorized stay, apply for emigration clearance with the Commission and pay the prescribed fees and

charges therefor.

Chapter 9 – Presidential Prerogatives

SEC. 63. *Presidential Prerogatives.* – Any provision of this Act notwithstanding, the President may:

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

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

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

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

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

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

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

TITLE IV PROVISIONS RELATING TO ENTRY

Chapter 1 – Classification of Ports of Entry

SEC. 64. *Authority to Classify Ports.* – The Commissioner shall classify and designate, from among the ports of entry established by law for immigration purposes, limited or unlimited ports of entry through which foreigners may be admitted into the Philippines. Only such classes of foreigners as provided under the rules and regulations prescribed by the Commissioner may be admitted at limited ports of entry. The Commissioner may, after due notice to the public, close designated ports of entry in the interest of national security or public safety.

Chapter 2 – Procedures on Arrival

SEC. 65. *Inspection by Border Control Officer.* – A foreigner seeking admission or readmission shall present his/her valid passport and visa, if required, to the border control officer at the port of entry to the Philippines and shall be subject to primary inspection. The decision of the examining border control officer, if favorable to the admission of any foreigner, may be challenged by another border control officer. The final determination of admissibility of such foreigner shall be determined by a Board of Special Inquiry, in case no resolution is reached between the border control officers on the challenged admission. In case of admission, the border control officer

shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

SEC. 66. *Detention or Quarantine for Examination.* – For the purpose of determining whether a foreigner arriving at any port in the Philippines belongs to any of the classes excludable under this Act, by reason of being afflicted with any of the contagious or communicable disease or mental disorder set forth under Section 77(a) of this Act or whenever the Commissioner has received information showing that foreigners are coming to the Philippines from a country or have embarked at a place where any of such diseases are prevalent or epidemic, the foreigner shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

SEC. 67. *Medical Examination Requirement.* – Any arriving foreign national whom the examining border control officer believes to belong under the class of excludable foreign nationals specified in Section 77(a) herein shall be referred to designated medical officers for physical and mental examination.

Such medical officer shall certify his/her medical findings for the information of the border control officer.

SEC. 68. *Arrival Notice Requirements of Vessel.* – The immigration authorities shall be furnished with an advance notice of the arrival of any civilian vessel at or nearest such place of first landing before such vessel comes into any area in the Philippines from any place outside thereof. If dependable facilities for giving such notice are not available before departure from the port of origin, any communication equipment or device in the vessel shall be used in giving advance notice of vessel's arrival, otherwise a landing shall be made at a place where the communication facilities exist. Such advance notice shall not be required in the case of vessels with scheduled arrivals filed with the border control officer in charge at the international port of entry.

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

SEC. 69. *Contents of Notice of Arrival.* – The advance notice of arrival required in the preceding section shall specify the following:

- (a) Type of vessel and registration marks;
- (b) List of crew members with duly issued visas;
- (c) Passenger manifest;
- (d) Port of last departure;
- (e) International port of intended destination, or other place authorized by the Commissioner;
- (f) Estimated time of arrival; and
- (g) Authorized agent or representative at the place of arrival.

Chapter 3 – Foreign Crew Member

SEC. 70. *Conditional Permit to Disembark.* – A foreign crew member of a

vessel under Section 32, paragraph (c) of this Act may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which he/she arrived while such vessel remains in port under terms and conditions as may be prescribed by the Commissioner.

SEC. 71. *Confiscation and Cancellation of Permit; Removal from the Philippines.* – Upon the determination that the foreigner is not a *bona fide* crew member or does not intend to depart on the vessel that brought him/her, the Commissioner shall cancel and confiscate the conditional permit already issued, take such foreigner into custody, and require the owner, operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived to receive and detain him/her on board. The expenses for his/her removal, including the cost of detention and other expenses incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

SEC. 72. *Liability for Overstaying Foreign Crewmen.* – A foreign crew member who remains in the Philippines in excess of the period allowed in the conditional permit issued to him/her shall be solidarily liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed in Section 122 of this Act.

SEC. 73. *Liability for Unauthorized Pay-off or Discharge Foreign Crewmen.* – It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel to pay off or discharge any foreign crewman employed on board a vessel arriving in the Philippines and whilst in port, without first obtaining the permission of the Commissioner; otherwise, such person or owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay the Commission such fine as may be prescribed in Title VII, Chapter 7 of this Act. No such vessel shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fine as approved by the Commissioner.

SEC. 74. *Duty to Report Desertion or Illegal Landing of Foreign Crewmen.* – The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the border control officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreigner and any information that shall result in his/her apprehension.

SEC. 75. *Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed.* – 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 border control officer at that port a list containing: (a) the names of foreign crewmen who were not employed thereon at the time of the vessel's arrival on such port but will depart thereat on the same vessel; (b) the names of those, if any, who

have been paid off or discharged; and (c) those who have deserted or illegally landed at that port, if any. The Commissioner may require said list to contain additional information as he/she deems necessary.

SEC. 76. Liability for Failure to Submit Complete, True and Correct Report. – In case the owner, operator, captain, master, pilot, agent or consignee fails to submit a true and complete lists or report of foreigners, or to report cases of desertion or illegal landing as required by Sections 74 and 75 of this Act, such owner, operator, captain, master, pilot, agent or consignee shall pay to the Commission such sum as may be prescribed in Title VI, Chapter 7 hereof. No such vessel shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fine as approved by the Commissioner.

Chapter 4 – Exclusions

SEC. 77. Exclusion Grounds. – The following classes of foreign nationals shall not be allowed entry and shall be excluded from the Philippines:

(a) Health-related Grounds

- (1) Those who are found to be suffering from a communicable, dangerous or contagious disease;
- (2) Those who are found to be suffering from mental disorder or associated behavior that may pose threat to persons or danger to property; and
- (3) Those who are found to be suffering from addiction to prohibited or regulated substance;

(b) Economic Grounds

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

(c) Moral Grounds

- (1) Those coming to the Philippines to practice polygamy or who advocates the practice of polygamy unless his/her religion allows such practices;
- (2) Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;
- (3) Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution; and
- (4) Those who, at the time of primary inspection by the border control officer, exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or authority; and

(d) Criminal and Security Grounds

- (1) Those who have been convicted of a crime involving moral turpitude or who admit to the border control officer having committed such crime, or who attempt and conspire to commit the crime;
- (2) Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or

conspiracy to violate any law or regulation of the Philippines or a foreign country relating to controlled, regulated or prohibited substance, or who attempt or conspire to commit the crime;

(3) Those that the Philippine government knows or has reason to believe is a trafficker of any controlled, regulated or prohibited substance or knows or has reason to believe is or has been a knowing assister, abettor, conspirator or colluder with others in the illicit trafficking of any controlled, regulated or prohibited substance;

(4) Those coming to the Philippines to engage in any other unlawful commercialized vice;

(5) Those who are fugitives from justice;

(6) Those who seek to enter the Philippines to engage in:

(i) Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;

(ii) Any activity aimed to promote membership in an organization of syndicated criminal activities;

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

(iv) Any other unlawful activity;

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

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

(9) Those who under fifteen (15) years of age, unaccompanied by or not coming with a parent, except that they may be admitted in the discretion of the Commissioner, if otherwise admissible; and

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

SEC. 78. *Temporary Detention of Excludable Foreigners.* – For the purpose of ascertaining whether a foreigner arriving in the Philippines belongs to any of the excludable classes of foreigners provided in this Act or related laws, the border control officer may temporarily detain for investigation such foreigner, either on board the vessel or at a place designated for the purpose at the expense of the master, captain, agent, owner or consignee of the carrying vessel.

SEC. 79. *Finality of Exclusion Order.* – An order by the border control officer to exclude a foreign national who is excludable under Section 77 hereof is final and executory unless revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion order.

SEC. 80. *Authority to Waive Grounds for Exclusion.* – Except for grounds of exclusion under Section 77, paragraph (d), subparagraphs (1) to (8) and subparagraph (10), the Commissioner may waive any of the grounds for exclusion mentioned thereof.

SEC. 81. *Procedure of Removal and Cost Thereof.* – Any foreign national arriving in the Philippines who is ordered excluded shall be immediately removed, in the same accommodation to the country where he/she boarded the vessel on which he/she arrived, unless the Commissioner determines that immediate removal is not proper and practicable. The cost of detention and other expenses incident thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel in which he/she arrived.

SEC. 82. *Country Where Removal is to be Directed.* – If the government of the country designated in the preceding section will not accept the foreign national into its territory, his/her removal shall be directed by the Commissioner, upon in his/her discretion and without necessarily giving preference, either to:

- (a) The country which he/she is a citizen or national;
- (b) The country of birth;
- (c) The country of his/her habitual residence; or
- (d) The country willing to accept the foreign national into its territory, if removal to any of the foregoing country is impractical or impossible.

SEC. 83. *Obligation of Captain or Transport Operator.* – It shall be unlawful for the owner, operator, master, captain, pilot, agent or consignee of a vessel to refuse or fail to:

- (a) board a foreigner ordered excluded and removed under Section 77 hereof in the same vessel or another vessel owned or operated by the same company;
- (b) detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by a border control officer;
- (c) deliver a foreign national for medical or other examination when so ordered by such officer;
- (d) remove a foreign national from the Philippines to the country to which his/her deportation has been directed; or
- (e) pay the cost of detention and other expenses incidental thereto of a foreign national incurred while being detained as required by Section 78 of this Act or other costs necessary or incident to his/her deportation as provided in subsequent sections of this Act.

SEC. 84. *Penalty for Noncompliance of Obligation.* – The owner, operator, captain, master, pilot, agent or consignee of a vessel who violated Section 83 hereof shall pay the fine imposed in Title VI, Chapter 7 of this Act.

No such vessel shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided, That* clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fine as approved by the Commissioner.

TITLE V DEPORTATION

Chapter 1 – Deportable Foreign Nationals

SEC. 85. *Classes of Deportable Foreigners.* – The following foreigners shall be arrested upon the order of the Commissioner and deported after hearing and recommendation by the Board of Special Inquiry and approval by the Board of Commissioners:

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

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

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

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

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

(f) Those who believe in, advise, advocate or teach the overthrow by force and violence of the government of the Republic of the Philippines, or duly constituted authority, or who do not believe in or are opposed to organized government, or those who advise, advocate or teach the assault or assassination of public officials because of their office, or who advise, advocate or teach the unlawful destruction of property, or who are members of or affiliated with any organization entertaining, advocating or teaching such doctrines or who in any manner whatsoever lend assistance, financial or otherwise, to the dissemination of such doctrines;

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

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

(i) Those who, at any time after entry, are engaged in acts or omissions punishable under Philippine penal laws cognizable by the Regional Trial Courts or acts or omissions punishable under Republic Act No. 3019, as amended, or other anti-corruption laws cognizable by municipal, metropolitan and regional trial courts or by the Sandiganbayan;

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

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

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

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

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

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

(p) Those who forge, counterfeit, alter or falsely make any document; or use, attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit, altered or falsely made document; or use or attempt to use or provide or attempt to provide other than the possessor (including a deceased individual); or accept or receive or provide any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of satisfying or complying with the requirements for his/her stay in the Philippines; and

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

SEC. 86. *Rules on Prescription in Deportation Cases.* – The right of the State to initiate at any time deportation proceedings for causes mentioned in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (m), (n) and (o) of Section 85 of this Act shall not prescribe: *Provided*, That no deportation proceedings may be initiated under any other paragraphs of the aforesaid Section 85, unless the apprehension in the deportation proceedings is made within five (5) years after the cause for deportation arises. Deportation for causes mentioned in paragraphs (a), (c), (g), (i), (l), (o) and (q) of the same section shall not be effective, unless the court when sentencing the foreigner recommends otherwise.

Chapter 2 – Detention and Deportation of Foreign Nationals

SEC. 87. *Issuance of Summons.* – If the Commissioner determines that there exists a reasonable ground to deport a foreigner pursuant to Section 85 of this Act, he/she may issue summons requiring the foreigner to appear in person before the designated investigating officer at the time, date and place stated therein.

SEC. 88. *Formal Charge of Deportation.* – A formal charge for deportation shall be issued upon determination of the existence of a *prima facie* case against the foreigner. Pending final determination of his/her deportation case, the foreigner shall, upon the discretion of the Commissioner:

(a) remain under detention; or (b) be released on bail or recognizance. The bail may be revoked and confiscated in favor of the government if there is sufficient evidence that the foreigner is evading the proceedings or is

attempting to abscond, in which case, he/she shall be taken into custody and detained under the same warrant of detention.

SEC. 89. *Detention of Foreigner Convicted of a Felony or an Offense.* – After service of his/her sentence or compliance with the conditions of his/her parole or probation, as the case may be, the foreigner shall be taken into custody and placed under detention by order of the Commissioner. Pending final determination of the deportation case, the foreigner may be ordered released under such terms and conditions prescribed by the Commissioner.

SEC. 90. *Voluntary Deportation, When Authorized.* – In case the foreigner does not contest the formal charge and opts to voluntarily leave the country at his/her own expense, the Commissioner may waive the deportation proceedings and order the departure within the period specified therein except in cases covered by other laws such as the Migrant Workers Act: *Provided*, That said foreigner shall be barred from re-entering the country without prior written authorization from the Commissioner.

SEC. 91. *Contents of an Order or Warrant of Deportation.* – The order or warrant of deportation shall be in the prescribed form and shall state the grounds therefor, the specific place where the foreigner is to be deported and the period within which to execute such order.

SEC. 92. *Period to Enforce Order of Deportation.* – The order of deportation shall be enforced immediately, but in no case shall exceed the period of three (3) months from the date it has become final and executory.

If deportation is not enforced within the prescribed period for reasons beyond the control of the Commission, the foreigner shall remain in custody.

SEC. 93. *Suspension of Deportation Order.* – Upon application and payment of prescribed fees, the Commissioner may suspend the enforcement of the order of deportation of a foreigner and order the release for good cause, taking into account the following factors:

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

SEC. 94. *Reinstatement of the Order of Deportation.* – An order of deportation previously enforced against a foreigner who unlawfully re-entered the Philippines shall be deemed reinstated and shall be re-enforced in accordance with the provisions of this Act. This provision shall apply to a foreigner who departed voluntarily under Section 90 hereof.

SEC. 95. *Country of Destination of a Deportee.* – Except as provided for under existing treaty or international agreement, the foreigner shall be deported to the country of which he/she is a citizen or national, or to the country of his/her birth, or to the country of which he/she is a resident, or to

the country from which he/she embarked for the Philippines, subject to the acceptance by the receiving country.

SEC. 96. *Existence of Danger in Country Where Foreigner is to be Deported.*

– No foreigner shall be deported to a country where there exist a danger to his/her life or freedom on account of race, religion, nationality, political opinion or membership in a particular political or social group, except in the following circumstances:

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

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

(c) The foreigner committed a serious nonpolitical crime in the country where he/she is to be deported; or

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

SEC. 97. *Cost of Deportation.* – The cost of deportation shall be shouldered by the vessel in the case of its foreign crew member who is to be deported for violation of Section 71 of this Act. In all other cases, the cost of deportation shall be borne by the deportee himself/herself, the concerned consular office, nongovernment organizations or people's organizations with which the Commission has an agreement on this matter, or from the appropriations for the enforcement of this Act.

SEC. 98. *Liability of Vessel.* – Failure or refusal on the part of the owner, operator, captain, master, pilot, agent or consignee of a vessel to take on board, guard safely and transport the deportee to his/her country of destination, or to shoulder the cost of deportation of the foreign crew member as provided in Section 97 hereof, shall be punished by an administrative penalty prescribed in Title VI, Chapter 7 of this Act.

SEC. 99. *Expenses of the Accompanying Person.* – The Commissioner may, by reason of the mental or physical condition of the deportee, direct an employee of the Commission to accompany such deportee to the country of his/her destination, subject to the provisions of the immediately preceding sections.

Chapter 3 – Indigent Foreigners

SEC. 100. *Removal of Indigent Foreigners.* – At any time after entry, the Commissioner may remove indigent foreigners from the Philippines to the country of which they are citizens or nationals, or country of birth, or country of residence, as the case may be. The cost of such removal shall be charged against the available funds of the Commission. Any foreigner removed under this section shall be barred re-admission, except upon written authorization of the Commissioner.

Foreigners declared as indigents by any Philippine court for purposes of filing a case or pursuit of an action for a cause which resulted in his/her

indigency shall be exempted from the application of this subsection until such time that such action is resolved: *Provided*, That no other grounds for deportation exist during the pendency of such action.

TITLE VI MISCELLANEOUS PROVISIONS

Chapter 1 – Registration of Foreign Nationals

SEC. 101. *Requirement of Registration.* – Temporary foreign visitors must register with the Commission or Office of the Regional Director or Provincial Border Control Officer nearest to his/her place of residence, on or before the sixtieth (60th) day from arrival in the Philippines.

SEC. 102. *Registration Form and Oath.* – Applications for registration shall be under oath and in such form as prescribed by the Commission. Upon registration, a certificate of registration in such form and containing such particulars as prescribed by the Commission shall be issued to the registrant.

In case of loss or destruction of the certificate, a replacement thereof shall be issued by the Commission, upon application.

SEC. 103. *Amendment of Registration.* – A registered foreign national shall notify the Commission in writing of any change of information in his/her registration documents not later than seven (7) days thereof.

SEC. 104. *Presentation of Certificate of Registration.* – Every foreigner required to register under this Act or the parent or guardian of such foreigner shall, upon demand of any authorized immigration official, present his/her certificate of registration, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SEC. 105. *Reportorial Requirement.* – Every foreigner registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Commission, subject to the payment of annual report fee as prescribed by the Commission. The parent or legal guardian of foreigners below fourteen (14) years of age shall have the duty to comply with the requirements prescribed under this Act.

SEC. 106. *Failure to Comply with the Requirements.* – A foreigner, or his/her parent or guardian, as the case may be, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by him/her to be false, or who utilizes registration documents other than his/her own, shall be dealt with in accordance with the provisions of this Act and other existing laws.

SEC. 107. *Cancellation of Registration of Foreign National.* – In case of death of a foreigner registered under the provisions of this Act, his/her legal heir, representative or administrator must inform the Commission within sixty (60) days from the date of death and the Commission shall cancel such registration. The local Civil Registrar or other civil registry officer of the locality where said foreigner died shall furnish the Commission with a copy of the

certificate of death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements of this section shall be dealt with pursuant to the provisions of this Act.

Chapter 2 – Head Tax

SEC. 108. *Head Tax.* – Every foreign national who is at least fourteen (14) years of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a head tax in the amount of Five hundred pesos (P500.00).

Chapter 3 – Bonds and Deposits

SEC. 109. *Bonds; When Exacted.* – The Commission shall have the power to exact cash bond in such amounts and under such conditions as it may prescribe:

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

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

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

SEC. 110. *Requirement of Cash Deposits for Overtime Services.* – The Commission shall likewise have the power to require cash deposits in such amounts as may be necessary from vessel's owners, operators, captains, masters, pilots, agents or consignees or other persons served to cover payments for overtime services to be performed by officers and employees of the Commission.

SEC. 111. *Cancellation and Forfeiture of Bonds.* – When the conditions of the bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a public charge when the Commissioner decides that the likelihood no longer exists, or death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled and refunded to the depositor or his/her legal representative. In case of violation of the conditions of the bond, the same shall be forfeited and deposited in a trust fund account which may be utilized for the purchase of tickets of indigent deportees and to cover the costs of operations in the arrest of the deportee who jumps bail.

Chapter 4 – Recognizance

SEC. 112. *Petition for Recognizance; Sanction for Breach of Conditions.* – The Commissioner may order the release of a foreigner upon recognizance of his/her lawyer or a person who is of good standing in the community, under such terms and conditions as he/she may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), without prejudice to other administrative sanctions and/or proceedings against the erring party.

Chapter 5 – Coordination with Law Enforcement, Security and Other Offices

SEC. 113. *Coordination with Law Enforcement, Security and Other Offices.* – The Commissioner shall have authority to maintain direct and effective coordination with the National Security Council, the National Intelligence Coordinating Agency, the Philippine National Police, the National Bureau of Investigation and other law enforcement and security offices of the government. The Commissioner shall maintain direct and effective coordination with the Office of Consular Affairs of the Department of Foreign Affairs for the purpose of monitoring the implementation and administration of this Act and all other immigration and citizenship laws.

Chapter 6 – Fees and Charges

SEC. 114. *Authority of the Commissioner to Prescribe, Impose and Collect Fees and Charges.* – The Commissioner is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act, which shall take effect fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a newspaper of general circulation.

Chapter 7 – Administrative Fines Against Vessels

SEC. 115. *Fines for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew.* – Any pilot, master, agent, owner or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crew member or passenger whose name appears in said list or manifest shall be subject to fines of One hundred thousand pesos (P100,000.00) and Fifty thousand pesos (P50,000.00) for each unaccounted person, respectively.

SEC. 116. *Fine for Violation of Obligation on the Landing or Removal of Foreigners.* – A pilot, master, captain, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof who violates Sections 83 and 98 of this Act shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

SEC. 117. *Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with Communicable or Contagious Disease or Suffering from Mental Disorder.* – The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreigner shall be fined One hundred thousand pesos (P100,000.00) for each foreigner. If the foreigner is afflicted with a communicable or contagious disease or is suffering from mental disorder, the fine shall be not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) for each foreigner.

SEC. 118. *Fine for Bringing a Foreigner to Assist his/her Illegal Entry or Misrepresenting a Foreigner as a Member of the Crew.* – The pilot, master, agent, owner or consignee of the vessel arriving at any port in the Philippines

from a place outside thereof bringing on board a foreigner bound for the Philippines to assist his/her illegal entry, or misrepresenting the foreigner to the border control officer at the port of arrival as a *bona fide* member of the crew, shall be fined not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each foreigner.

SEC. 119. *Fine for Violation of Other Provisions of this Act.* – The pilot, master, agent, owner or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act not specifically provided in this chapter shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

Chapter 8 – Penal Provisions

SEC. 120. *Prohibited Acts and Penalties Thereof.* – Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court:

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

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

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

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

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

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

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

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

If the offender who commits any of the acts specified under paragraph (g) hereof of this section is the pilot, master, agent, owner, consignee or other person in charge of the vessel which brought the alien into the Philippines from any place outside thereof, the fine

imposed under the first paragraph hereof shall constitute a lien against the vessel which may be enforced in the same manner as fines are collected and enforced under existing laws. Such vessel shall not be allowed to depart without prior clearance issued by the Commission. Where forfeiture is justified under the particular circumstances of the case, the forfeiture of the vessel in favor of the government in lieu of the fine shall be decreed.

Conviction by final judgment of any offense punishable under this Act or other laws arising therefrom shall result in the automatic revocation or cancellation of any immigration document issued to the offender, including that of his wife and unmarried children, if applicable.

SEC. 121. *Penalty for Noncompliance of a Subpoena.* – Any person who, having been duly served with a subpoena or subpoena *duces tecum*, fails to comply without valid and justifiable reason with the requirements thereof shall, upon conviction, suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at the discretion of the court.

SEC. 122. *Penalty for Overstaying Crewmen.* – Any foreign crewman who willfully remains in the Philippines beyond the period allowed him/her for temporary landing shall, upon conviction, suffer the penalty of imprisonment of six (6) months or fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

SEC. 123. *Penalty for Tampering and/or Alteration of Naturalization Certificate.* – Any individual who shall fraudulently make, falsify, forge, change, alter a certificate of naturalization or cause or aid any person to do the same; or who shall purposely aid and assist in fraudulently making, falsifying, forging, changing or altering a naturalization certificate for the purpose of making use thereof, or in order that the same be used by another person or persons; and any person who shall purposely aid or assist another in obtaining a naturalization certificate in violation of the provisions of this Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court. In case the person convicted is a naturalized citizen, his certificate of naturalization and the registration thereof in the local civil registry shall be ordered cancelled.

SEC. 124. *Violations as Aggravating Circumstance.* – Any person who shall be found guilty of violating Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, or other laws against corruption and bribery with acts which violate or circumvent any provisions of this Act shall be penalized with the maximum penalty prescribed for such offenses under the law upon which he/she was charged.

Chapter 9 – Use of Income

SEC. 125. *Use of Income.* – In addition to its annual budget under the General Appropriations Act, the Commission is hereby authorized to retain and use thirty percent (30%) of its gross income derived from the collection of immigration fees, fines, penalties and charges for maintenance and other operating expenses, and capital outlays, subject to the submission of a special budget pursuant to Section 35, Chapter 5, Book VI, of Executive Order No. 292: *Provided*, That the income shall not be used to fund personal services expenditures: *Provided, further*, That the Commission shall submit to the Department of Budget and Management and to Congress of the Philippines a report on the disbursements or expenditures made from the said income duly certified by the Commission on Audit.

Chapter 10 – Transitory Provisions

SEC. 126. *Interim Period.* – The incumbent Commissioner and the two (2) Associate Commissioners, if qualified, shall serve as the first Commissioner and Associate Commissioners under this Act. The present personnel of the Bureau of Immigration shall continue to discharge the functions of their position for a period of one (1) year from the date of the effectivity of this Act.

SEC. 127. *Staffing Pattern and Salary Schedule.* – To carry out the provisions of this Act, the Commissioner shall submit a new staffing pattern and salary schedule for personnel services to the Secretary of the Department of Budget and Management for approval, which shall be in accordance with the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan.

SEC. 128. *Reorganization of the Commission.* – Upon approval of this Act, all employees covered by the civil service laws and regulations, whether permanent, temporary, casual or those who have served for at least three (3) years, shall be absorbed by the Commission in accordance with Republic Act No. 6656, otherwise known as the "Security of Tenure of All Government Officials and Employees in Case of Reorganization Act": *Provided*, That the salaries, wages, allowances and other benefits of incumbent officers and employees of the Commission shall not be subject to diminution: *Provided, further*, That in the event that the positions are abolished in accordance with the reorganization, the affected employees shall be immediately appointed to the newly created positions to which they may qualify.

SEC. 129. *Inventory and Transfer of Properties to the Commission.* – All buildings, equipment, facilities, records and other properties of the Bureau of Immigration as reorganized under this Act shall be properly inventoried and transferred to the Commission.

SEC. 130. *Treaty or Agreement.* – Any treaty or agreement entered into between the Philippines and any foreign State before the effectivity of this Act shall remain in force and effect.

SEC. 131. *Pending Cases.* – Nothing contained in this Act shall be construed to affect any prosecution, suit, action or proceeding brought, or any act, thing or matter, civil or criminal, done or existing at the time of the effectivity of this

Act are continued in force and effect: *Provided, further,* That as to such prosecutions, suits, actions or proceedings, or as to such acts, things or matters, the procedure provided for by this Act or by regulations prescribed thereunder shall be followed insofar as the same may be applicable.

Chapter 11 – Final Provisions

SEC. 132. *Implementing Rules and Regulations.* – The Commissioner shall promulgate the rules and regulations for the effective implementation of this Act within ninety (90) days from its effectivity.

SEC. 133. *Repealing Clause.* – Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, is hereby repealed. Republic Act No. 9139; Commonwealth Act No. 473; Section 70 of Act No. 279, otherwise known as the Revised Administrative Code; Commonwealth Act No. 63, as amended; Commonwealth Act No. 625; Republic Acts No. 750, 965 and 2630; Presidential Decree No. 725; Letter of Instruction No. 270, as amended; Letter of Implementation No. 20; and all other laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations or parts thereof inconsistent with this Act or any of the provisions thereof are hereby repealed, superseded or modified accordingly.

SEC. 134. *Separability Clause.* – If any of the provisions of this Act is held invalid or unconstitutional by competent authority, the other provisions thereof not affected thereby shall continue to be in force and effect.

SEC. 135. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,