

SENATE

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COMMITTEE REPORT NO. 579

Submitted jointly by the Committees on Justice and Human Rights; Civil Service,
Government Reorganization and Professional Regulation; and Finance on

JAN 31 2022

Re: Senate Bill No. 2500 Prepared by the Committees

Recommending its approval in substitution of Senate Bill No. 107, 885, 1649, and
2416 taking into consideration House Bill No. 8850

Sponsor: Senator Richard J. Gordon

MR. PRESIDENT:

The Committees on Justice and Human Rights; Civil Service, Government
Reorganization and Professional Regulation; and Finance, to which were referred
Senate Bill No. 107, introduced by Senator Juan Miguel F. Zubiri, entitled:

"PHILIPPINE IMMIGRATION ACT"

Senate Bill No. 885, introduced by Senator Imee R. Marcos, entitled:

"AN ACT

**MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING
ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES"**

Senate Bill No. 1649, introduced by Senator Christopher Bong Go, entitled:

"AN ACT

MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

and

Senate Bill No. 2416, introduced by Senator Ronald "Bato" Dela Rosa, entitled:

"AN ACT

MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

and taking into consideration **House Bill No. 8850**, introduced by Representatives Rodriguez, Lagman, Romualdo, Cabochan, Haresco, et al., entitled:

"AN ACT

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

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **Senate Bill No. 2500**, prepared by the Committees, entitled:

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

be approved in substitution of Senate Bill Nos. 107, 885, 1649, and 2416, taking into consideration House Bill No. 8850, with Senators Zubiri, Marcos, Go, Dela Rosa, Gordon, Revilla Jr., and Angara, as authors thereof.

Respectfully submitted:

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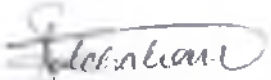
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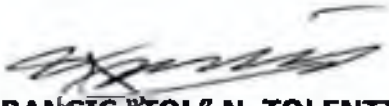
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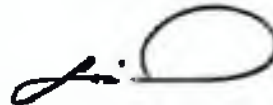
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SENATE
S. B. No. 2500

(In Substitution of Senate Bill Nos. 107, 885, 1649 and 2416, taking into consideration HBN 8850)

Prepared jointly by the Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; and Finance with Senators Juan Miguel F. Zubiri, Imee R. Marcos, Christopher Bong Go, Ronald "Bato" Dela Rosa, Richard J. Gordon, Ramon Bong Revilla Jr., and Sonny Angara as authors

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

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

TITLE I
GENERAL PROVISIONS

SEC. 1. Short Title. — This Act shall be known as the "Bureau of Immigration Modernization Act".

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

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

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- 1 (a) the admission of foreign nationals for the purpose of encouraging and enhancing
2 capital investments, trade and commerce, cultural exchanges and other forms of
3 friendly relations and cooperation;
- 4 (b) the need to support technological and scientific development in the country;
- 5 (c) the promotion of conditions for social welfare and economic security of the people;
- 6 (d) the fulfillment of obligations and compliance with standards set by international
7 law in the admission or exclusion of foreign nationals;
- 8 (e) the modernization of structures and mechanisms necessary for the administration
9 of immigration laws in keeping with the changing demands of the country's role in
10 the global community; and
- 11 (f) the professionalization of the immigration service by instituting a rigid system of
12 screening and selection of immigration officials and employees and promoting their
13 development.

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

15 (a) "*Admission*" refers to the process by which a foreign national arriving at a port of entry
16 in the Philippines is allowed into the country whereby a status or entry category is granted
17 by the immigration authorities;

18 (b) "*Border Control Officer*" refers to any person tasked to man the Border Control
19 Checkpoints authorized as provided in this Act;

20 (c) "*Captain*" refers to the master of a vessel or pilot of an aircraft;

21 (d) "*Child*" or "*children*" refers to a person or persons below eighteen (18) years of age;

22 (e) "*Citizen*" refers to any person who is a citizen of the Philippines under Section 1, Article
23 IV of the Constitution of the Republic of the Philippines;

24 (f) "*Commissioner*" refers to the Commissioner of the Bureau of Immigration;

25 (g) "*Commitment Order*" refers to an order issued by the Commissioner under this Act
26 that directs the taking into custody of a foreign national after it has been determined that
27 probable cause exists that the foreign national committed acts or omissions in violation of
28 Philippine immigration laws, rules and regulations, or during the pendency of deportation
29 proceedings against such foreign national: *Provided*, That such custody shall not exceed
30 three (3) months, unless there exists other legal grounds for continued custody;

1 (h) "*Consular Officer*" refers to any consular, diplomatic, or other officer of the
2 Department of Foreign Affairs (DFA) who has been duly granted a consular commission for
3 the purpose of issuing visas under this Act;

4 (i) "*Derogatory Information*" refers to details about persons and travel documents
5 relating to immigration consisting of the following:

6 (1) "*Blacklist Order*" refers to an order issued by the Commissioner that
7 prevents a foreign national from entering the territorial jurisdiction of the
8 Philippines;

9 (2) "*Hold Departure Order*" (HDO) refers to an order issued by the
10 Commissioner preventing a foreign national from leaving the territorial
11 jurisdiction of the Philippines in cases where bail or recognizance is granted
12 pending implementation of a Deportation Order, or a directive implementing
13 an order issued by the appropriate court preventing a person from leaving
14 the territorial jurisdiction of the Philippines; and

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

19 (4) "*Temporary Travel Restriction*" (TTRO) refers to a document issued by the
20 Secretary of Justice, or his authorized representative, against a respondent
21 in a case subject of preliminary investigation when the minimum imposable
22 penalty is six (6) months and one (1) day or when the offender is a foreigner
23 regardless of the imposable penalty, directing the Bureau of Immigration to
24 prevent the subject thereof from leaving the Philippines for a period of sixty
25 (60) days from issuance of the order, unless the handling prosecutor
26 recommends the filing of the appropriate case before the Regional Trial
27 Court, which has the authority to issue HDOs. The TTRO may be extended
28 for another sixty (60) days, but without prejudice to the filing of an Allow
29 Departure Order.

30 (j) "*Entry*" refers to the arrival of a foreign national into any designated port of entry
31 in the Philippines from a place outside the Philippine territorial jurisdiction. A
32 foreign national having a lawful permanent residence in the Philippines shall not
33 be regarded as making an entry for the purpose of this Act if such foreign national

1 proves that the departure to a place outside the Philippines was for a temporary
2 or limited period, or the continued absence from the Philippines was occasioned
3 by deportation proceedings, extradition, or any other legal process;

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

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

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

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

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

17 (p) "*Non-immigrant*" refers to any foreign national who is allowed entry and admission
18 into the Philippines for a temporary or limited period of stay;

19 (q) "*Non-refoulement*" refers to a principle of international law which prohibits the
20 forced or involuntary return of refugees or those seeking asylum in the Philippines
21 to the state or territory where their lives or liberty are threatened;

22 (r) "*Passport*" refers to a document issued by a government to its citizens requesting
23 other governments to allow such citizens to pass through or enter into a territory
24 of other states safely and freely, subject to pertinent rules and regulations;

25 (s) "*Person*" refers to a natural person or a juridical person such as, but not limited to,
26 partnerships, corporations, companies, and associations;

27 (t) "*Port of entry*" refers to any port designated by the Commissioner through which
28 a foreign national may enter or exit the Philippines;

29 (u) "*Refugee*" refers to a person who, owing to a well-founded fear of being
30 persecuted for reasons of race, religion, nationality, membership in a particular
31 social group, or political opinion, is outside such person's country of nationality,
32 and is unable or, owing to such fear, unwilling to avail of the protection of that
33 country; or a person who, not having a nationality and being outside such person's

1 country of former habitual residence, is unable or, owing to such fear, unwilling to
2 return to it;

3 (v) "*Seaman*", "*Seafarer*" or "*Crewmember*" refers to a person actually employed in
4 the operation or service in any capacity on board a vessel;

5 (w) "*Stateless person*" refers to a person who is not considered a national by any state
6 under the operation of its laws;

7 (x) "*Travel document*" refers to a certification or identifying document containing the
8 description and other personal circumstances of its bearer issued by a government
9 to individuals for travel purposes;

10 (y) "*Vessel*" refers to all means of conveyances, whether aircraft or sea craft; and

11 (z) "*Visa*" refers to an endorsement on a passport or any travel document issued by a
12 Consular Officer abroad authorizing the holder thereof to proceed to a designated
13 port of entry in the Philippines and there to apply for entry and admission under
14 the status specified therein; or an endorsement on a passport or any travel
15 document granted by the Commissioner or the Board under this Act, or by any
16 other person authorized by existing laws.

17 TITLE II

18 THE BUREAU OF IMMIGRATION

19 CHAPTER 1

20 THE BUREAU

21 **SEC. 4. *Overview.*** — The Bureau of Immigration, hereinafter referred to as the
22 "Bureau", shall be under the control and supervision of the Department of Justice (DOJ). The
23 Bureau shall be principally responsible for the administration and enforcement of this Act,
24 and the implementation of all laws, rules and regulations, or orders of any competent
25 authority concerning the entry and admission into, stay in and the departure from the
26 Philippines of all persons. The Bureau may seek the assistance of other government entities
27 in the enforcement of laws, rules and regulations relating to immigration, border control and
28 anti-trafficking in persons.

29 CHAPTER 2

30 THE BOARD OF COMMISSIONERS

31 **SEC. 5. *Composition and Qualifications of the Board of Commissioners.*** — The
32 Bureau shall be administered by the Board of Commissioners, hereinafter referred to as the
33 Board, headed by the Commissioner as Chairperson, and two (2) Deputy Commissioners as

1 members, all of whom shall be natural-born citizens of the Philippines, holders of a college
2 degree, with proven capacity for administration and, at the time of their appointment, at
3 least thirty-five (35) years of age: *Provided*, That at least one of the members shall be a
4 member of the Philippine Bar in good standing for at least five (5) years prior to the
5 appointment: *Provided, further*, That at least one (1) member of the Board shall come from
6 the ranks of the Commission.

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

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

- 10 (1) Deportation;
- 11 (2) Revocation of immigration status;
- 12 (3) Reacquisition and retention of Philippine citizenship under Republic Act
13 No. 9225, otherwise known as the "Citizenship Retention and
14 Reacquisition Act of 2003";
- 15 (4) Issuance and revocation of all visas and permits;
- 16 (5) Declaration of indigence; and
- 17 (6) Legalization of residence in accordance with law.

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

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

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

23 (e) Formulate policies, directives, programs and projects of the Bureau; and

24 (f) Such other powers and functions as provided in this Act and other existing laws,
25 rules and regulations not inconsistent with any of the provisions of this Act.

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

30 Decisions in deportation cases may be appealed to the Secretary of Justice within fifteen
31 (15) days from receipt thereof by the concerned party. The decision of the Secretary of the
32 DOJ may be appealed to the Office of the President within (15) days from receipt of

1 judgment. The decision of the Board shall become executory after thirty (30) days from
2 promulgation, unless within such period the President shall order the contrary.

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

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

10 **CHAPTER 3**

11 **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

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

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

- 18 (a) Supervise, direct and coordinate the overall operations of the Bureau;
- 19 (b) Appoint, promote, and reassign personnel of the Bureau in accordance with civil
20 service laws, rules and regulations, subject to the approval of the Secretary of Justice;
- 21 (c) Issue the following:
 - 22 (1) Mission Orders, after determination of the existence of probable cause for the
23 purpose of deportation;
 - 24 (2) Commitment or Release Orders;
 - 25 (3) Warrants of Deportation;
 - 26 (4) Orders to inspect the documents, premises and records of persons covered by
27 this Act; and
 - 28 (5) Derogatory information orders defined in Section 3(i) of this Act;
- 29 (d) Delegate authority to subordinate immigration personnel and employees of the
30 commission, except the powers and functions enumerated in paragraph (c) of this
31 section, which may be delegated only to a Deputy Commissioner;
- 32 (e) Act on applications for extension of visas with the concurrence of the Board;

- 1 (f) Act on application for study and work permits;
- 2 (g) Control the opening and closure of posts, landing places, airports or ports classified
3 as points of entry or exit, whether limited or unlimited;
- 4 (h) Increase, reduce or waive immigration fines, penalties and other charges;
- 5 (i) Issue Certificates of Naturalization to foreign nationals who have been granted
6 Philippine citizenship;
- 7 (j) Promulgate rules and regulations as may be necessary or proper for the effective
8 discharge of the duties and responsibilities of the officials and personnel of the
9 Bureau, and for the effective exercise of the powers and functions of the Bureau;
- 10 (k) Deputize, subject to the concurrence of the Board, any official or employee of the
11 national government and local government units, including uniformed personnel of
12 the Armed Forces of the Philippines, the Philippine National Police, and the Philippine
13 Coast Guard to assist immigration personnel in the performance of their duties and
14 functions;
- 15 (l) Seek the assistance of relevant government agencies for intelligence data gathering
16 and sharing;
- 17 (m) Authorize and prescribe, with the concurrence of the Board, the form and the amount
18 of cash bonds for the provisional release of respondents in deportation proceedings;
- 19 (n) Impose reasonable fines and penalties for violations of immigration and alien
20 registration laws in accordance with this Act and the guidelines adopted by the Board;
- 21 (o) Accept donations of materials, equipment or technical services from any foreign
22 government, international or domestic organization, to upgrade the efficiency and
23 operations of the Bureau;
- 24 (p) Provide an express lane system for the rendition of services performed for individuals
25 and entities upon payment of fees that may be prescribed, and deposit in an
26 authorized government depository bank such fees received under a trust fund subject
27 to auditing and accounting rules, fifty percent (50%) of which shall be made available
28 for the augmentation of the salaries of the employees of the Bureau and fifty percent
29 (50%) of which shall be remitted to the national treasury;
- 30 (q) Submit to the President and to Congress, annually or as may be directed, a report
31 on:
- 32 (1) the number and status of foreign nationals in the Philippines;
- 33

- (2) foreign nationals admitted or granted change of status as permanent residents;
- (3) foreign nationals who have been excluded or deported from the Philippines;
- (4) the estimated number of illegal foreign nationals in the Philippines in each calendar year and actions taken to arrest them, grouped by nationality, for each region in the Philippines; and
- (5) such other transactions of the Bureau;

- (r) Determine the manning levels of Immigration Officers of the Bureau nationwide in accordance with the number of arrivals in each port of entry as determined by the Board: *Provided*, That for every three hundred (300) passengers there shall be one
 - (1) Immigration Officer in an eight-hour shift;
- (s) Receive administrative complaints against BI personnel, gather evidence in relation thereto, conduct administrative investigation, and transmit complete records thereon to the Office of the Secretary through the Internal Affairs Service (IAS);
- (t) Prepare and submit a supplemental budget, if necessary, for the consideration of the Department of Budget and Management (DBM) and Congress;
- (u) Prescribe, with the concurrence of the Board, the appropriate forms, bonds, reports, entries and other papers in accordance with this Act;
- (v) Require all vessel operators to submit advance passenger information in the form prescribed by the Board, and prescribe penalty for the violation hereof;
- (w) Engage foreign counterparts pertaining to border control; and
- (x) Perform such other functions inherent to the Bureau.

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

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

CHAPTER 4

THE INTERNAL AFFAIRS SERVICE

SEC. 14. *Qualifications of the Director, Internal Affairs Service (IAS).* — An Internal Affairs Service (IAS) of the Bureau is hereby created directly under the Office of the Secretary of Justice, which shall be headed by a Director who must be a natural-born citizen of the Philippines, at least thirty (35) years of age and a member of the Philippine Bar in

1 good standing for at least five (5) years prior to the appointment.

2 **SEC. 15. *Powers and Functions of the IAS.*** The IAS shall have the following
3 powers and functions:

- 4 (a) Conduct inspections and audit over all personnel and units of the Bureau;
- 5 (b) Conduct summary hearings of administrative cases initiated against personnel
6 appointed by the Commissioner. The Office of the Commissioner shall receive all
7 administrative complaints and indorse the same to the Office of the Secretary
8 together with investigation reports and evidence gathered in relation to the
9 complaint;
- 10 (c) File appropriate criminal cases against BI personnel before the court when warranted
11 and assist in the prosecution thereof; and
- 12 (d) Provide assistance to the Office of the Ombudsman in cases involving the personnel
13 of the Bureau.

14 **CHAPTER 5**

15 **THE BOARD SECRETARY**

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

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

- 21 (a) Attend in and take the minutes of all meetings of the Board;
- 22 (b) Prepare the agenda for the deliberation of the Board on visa applications;
- 23 (c) Prepare the agenda for the deliberation of the Board on deportation cases as endorsed
24 by a member of the Board after initial review;
- 25 (d) Implement the decision of the Board approving visa applications, including
26 revalidation;
- 27 (e) Keep and manage all records of the deliberation of the Board;
- 28 (f) Advise the members of the Board on all matters relative to compliance with relevant
29 laws and requirements of regulatory authorities; and
- 30 (g) All other functions as may be directed by the Board.

31 **CHAPTER 6**

32 **THE BOARDS OF SPECIAL INQUIRY**

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

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

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

11 (a) Recommend to the Board of Commissioners for final resolution cases and applications
12 relative to:

- 13 (1) Deportation;
- 14 (2) Revocation of immigration status;
- 15 (3) Legalization of residence in accordance with law; and
- 16 (4) Issuance of visas for stateless persons.

17 (b) Recommend to the Commissioner for appropriate action cases and applications
18 relative to:

- 19 (1) Cancellation of alien certificates of registration by marriage; and
- 20 (2) Issuance of alien certificates of registration to refugees;

21 (c) Issue subpoena in cases being heard by the BSI;

22 (d) In the exercise of its quasi-judicial power, cite and punish persons for contempt in
23 accordance with the Rules of Court;

24 (e) Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties
25 and other charges, subject to existing laws, rules and regulations;

26 (f) Administer oaths in connection with the performance of their duties, as may be
27 authorized by the Board;

28 (g) Promulgate rules and regulations governing matters within its assigned mandate
29 subject to the approval of the Board; and

30 (h) Perform such other duties and functions as may be directed by the Commissioner or
31 the Board of Commissioners.

32 **SEC. 21. *Proceedings Before the BSI.*** – The proceedings before the BSI shall be
33 public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only

1 members of the Philippine Bar in good standing may appear for and in behalf of any party
2 before the BSI.

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

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

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

11 **CHAPTER 7**

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

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

15 **A. DIVISIONS:**

- 16 (1) Administrative;
- 17 (2) Alien Registration;
- 18 (3) Finance and Logistics;
- 19 (4) Human Resource Management and Development;
- 20 (5) Immigration Regulation;
- 21 (6) Information and Communications Technology;
- 22 (7) Intelligence;
- 23 (8) Law Enforcement;
- 24 (9) Legal Affairs;
- 25 (10) Operations; and
- 26 (11) Planning and Research

27 **B. FIELD OFFICES** that shall be created by the Board of Commissioners according
28 to political or administrative regions.

29 **C. DISTRICTS:**

- 30 (1) Major Airports; and
- 31 (2) Seaports.

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

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

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

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

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

- 19 (a) Develop and implement an administrative support strategy for the Bureau;
- 20 (b) Coordinate all administrative functions of the Bureau;
- 21 (c) Monitor and evaluate all policies and programs of the Bureau, and recommend
22 to the Board of Commissioners such policies, programs and measures for the
23 effective and efficient administrative functions of the Bureau; and
- 24 (d) Perform such other tasks as may be directed by the Commissioner.

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

- 27 (a) Formulate plans and policies for the implementation of the Alien Registration
28 Program;
- 29 (b) Establish and implement measures for the effective registration, monitoring and
30 accounting of aliens, including the collection and safekeeping of biometric data
31 of all aliens pursuant to this Act and other laws, rules and regulations;

- (c) Monitor and evaluate all policies, programs and measures relative to alien registration, and recommend to the Board of Commissioners such measures to improve the system of alien registration; and
- (d) Perform such other tasks as may be directed by the Commissioner.

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

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

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

- (a) Develop and execute human resource strategies in support of the overall plan and strategic direction of the Bureau especially in the areas of selection, hiring and promotion;
- (b) Design employee training modules;
- (c) Develop comprehensive strategic recruiting and retention plans to meet the human capital of strategic goals;
- (d) Set qualification standards and implement competency-based hiring and promotion policies;
- (e) Oversee the recruitment, selection and promotion of employees of the Bureau;
- (f) Set performance standards for the employees of the Bureau in order to meet its objectives, plans and programs; and
- (g) Prepare and implement schemes to strengthen the relationship between management and employees; and

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

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

23 **SEC. 32. Chief Information and Communications Technology Officer.** –The Chief
24 Information and Communications Technology Officer shall perform the following duties:

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

- 25 (a) Supervise the implementation of all the information and communications
26 technology projects of the Bureau;
- 27 (b) Review, evaluate and recommend for approval by the Commissioner the
28 integration of all existing ICT systems of the Bureau;
- 29 (c) Initiate the conduct of ICT research, development and standardization; and

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

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

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

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

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

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

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

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

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

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

20 i. Mission Orders, after determination of the existence of probable cause
21 for purpose of deportation

22 ii. Commitment or Release Orders

23 iii. Warrants of Deportation

24 iv. Orders to inspect the documents, premises and records of persons
25 covered by this Act;

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

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

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

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

- 1 (a) Serve as the legal counsel of the Bureau, in coordination with the Office of the
2 Solicitor General;
- 3 (b) Develop guidelines for the summary deportation of foreign nationals who are
4 fugitives, overstaying, undocumented, or convicted of crimes involving moral
5 turpitude or crimes where the penalty of deportation is imposed;
- 6 (c) Assign prosecutors for regular deportation proceedings;
- 7 (d) Implement deportation orders;
- 8 (e) Study contracts affecting the Bureau and submit recommendations to the Board
9 relative thereto;
- 10 (f) Render legal opinions on matters arising from the administration and operation
11 of the Bureau; and
- 12 (g) Perform such other tasks as may be directed by the Commissioner.

13 **SEC. 36. Chief Immigration Operations Officer.** – The Chief Immigration Operations
14 Officer shall perform the following duties:

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

30 **SEC. 37. Chief Planning and Research Officer.** – The Chief Planning and Research
31 Officer shall perform the following duties:

- 1 (a) Formulate and implement the Bureau's programs, projects and processes for
2 planning and research;
- 3 (b) Facilitate and organize strategic planning sessions for the entire Bureau;
- 4 (c) Conduct workload assessment and forecasting;
- 5 (d) Provide assistance to the Board in the implementation and establishment of a
6 risk management process;
- 7 (e) Implement a monitoring feedback measurement and evaluation system for the
8 implementation of all Bureau policies, projects and programs; and
- 9 (f) Represent the Board in meetings relating to planning and research.

10 **CHAPTER 8**

11 **IMMIGRATION OFFICERS**

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

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

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

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

- 26 a) Examine, with the assistance and advice of medical authorities in appropriate
27 cases, foreign nationals at the port of entry concerning their admissibility to enter
28 and their qualifications to remain in the Philippines;
- 29 b) Exclude foreign nationals not properly documented, and to admit foreign nationals
30 complying with the applicable provisions of immigration and related laws;

- 1 c) Administer oaths in connection with the performance of their duties, as may be
2 authorized by the Board;
- 3 d) Search for foreign nationals on any vessel believed to be used to illegally bring
4 foreign nationals into the Philippines, and to take into custody without warrant any
5 foreign national who, in the presence or view of the Immigration Officer, is entering
6 or is about to enter the Philippines in violation of immigration and related laws,
7 rules and regulations;
- 8 e) Act as control personnel with authority to prevent the departure of passengers who
9 do not comply with duly published departure requirements;
- 10 f) Detect and report violations of the immigration and alien registration laws and, in
11 appropriate cases, take necessary actions upon the instructions of the
12 Commissioner, including follow-up on the stay of non-immigrants to prevent
13 overstaying;
- 14 g) Detect and report subversive activities of aliens in the interest of national security;
- 15 h) Investigate any case at the instance of the Commissioner and submit the required
16 reports;
- 17 i) Report on the activities of aliens inimical to national interest with a view to taking
18 appropriate action in accordance with law;
- 19 j) Locate and conduct surveillance against foreign nationals in violation of
20 immigration laws, rules and regulations;
- 21 k) Provide actionable operational, tactical and strategic intelligence to the operating
22 units;
- 23 l) Conduct case build up, analysis and other in-depth research, as well as provide
24 analytical reports on foreign nationals who violate or are in violation of immigration
25 laws, rules and regulations;
- 26 m) Coordinate with other local and international law enforcement agencies in the
27 gathering of intelligence information related to immigration law violations;
- 28 n) Conduct counter-intelligence operations;
- 29 o) Enforce lawful orders relating to the exclusion, deportation and repatriation of
30 aliens;
- 31 p) Take charge of the physical detention of aliens pending their exclusion, deportation
32 or repatriation;
- 33 q) Attend to the deportation of aliens;

- 1 r) Monitor all arriving and departing suspected terrorists, drug couriers or members
- 2 of crime syndicates;
- 3 s) Assist and escort deportees, excluded passengers and transiting restricted
- 4 passengers until finally boarded;
- 5 t) Investigate and escort from ports of entry intercepted passengers who are found
- 6 in possession of spurious travel documents;
- 7 u) Implement Warrants of Deportation (WOD) and Mission Orders involving foreign
- 8 nationals who violate or are in violation of immigration laws, rules and regulations;
- 9 and
- 10 v) Perform such other functions as may be assigned by the Commissioner from time
- 11 to time.

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

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

25 CHAPTER 9

1 **CAREER DEVELOPMENT PATTERN**

2 **SEC. 41. *Career Development.*** The Bureau shall:

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

9 **CHAPTER 10**
10 **OTHER OFFICES**

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

16 **SEC. 43. *Border Control Checkpoints.*** – In addition to international airports and
17 international seaports, there shall be established Border Control Checkpoints which shall be
18 manned by Immigration Officers appointed as Border Control Officers by the Commissioner.
19 The Border Control Checkpoints shall be placed in specific areas in the Philippines which shall
20 be determined by the Board. Border Control Officers shall perform the following functions:

- 21 a) Conduct immigration formalities to foreigners passing through their areas of
22 responsibility;
- 23 b) Enforce immigration laws, rules and regulations;

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

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

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

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

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

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

20
21 (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines for
22 holiday, including sightseeing, recreation or visiting relatives; and

23
24 (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines to avail of
25 medical treatment.

1 (b) Transit Persons (B Visa): Persons passing through the Philippines solely for a “stop
2 over” who have a confirmed connecting flight to another country or passengers in immediate
3 and continuous transit to a destination outside the Philippines;

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

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

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

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

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

- 23 i. Heads of State and/or Heads of Government and their personal
24 representatives;
- 25 ii. Members of reigning royal families from countries recognized by the
26 Philippine Government;

- 1 iii. Governors-General, Governors, and High Commissioners of dependent
- 2 territories and their personal representatives;
- 3 iv. Cabinet ministers and their deputies, and officials with cabinet rank of
- 4 ministers;
- 5 v. Presiding officers of national legislative bodies;
- 6 vi. Justices or judges of the highest national judicial bodies;
- 7 vii. Diplomats and career consular officials on foreign assignment in the
- 8 Philippines;
- 9 viii. Military, naval, air and other attaches assigned to a diplomatic mission;
- 10 and
- 11 ix. Accompanying spouses and unmarried dependents of foreigners within
- 12 the abovementioned categories;
- 13

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

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

- 20 i. Administrative and technical members of the staff of a diplomatic or
- 21 consular mission;
- 22 ii. Officials participating in programs under the auspices of the Philippine
- 23 Government or recognized international institutions; and
- 24 iii. Accompanying spouses and unmarried dependents of foreigners within
- 25 the abovementioned categories;

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

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

- 2 i. Diplomatic couriers regularly and professionally employed as such;
- 3 ii. All members of official special missions of a diplomatic character;
- 4 iii. Members of delegations proceeding to or from an international
5 conference of a diplomatic or official nature; and
- 6 iv. Such other officials going to the Philippines on diplomatic or official
7 missions;

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

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

16 (f) Students (F Visa): International students who can demonstrate means sufficient
17 for their support and education in the Philippines who seek to enter the Philippines
18 temporarily for the primary purpose of studying or taking partial studies in eligible courses
19 or degree programs in a university, seminary, academy or college recognized to offer such
20 higher education programs by CHED and other authorities pursuant to law and accredited to
21 admit such international students by the CHED in coordination with BI. The international
22 student's area of study may relate to the following fields/scope:

- 23 1. Full-degree
- 24 2. Exchange or short-term mobility
- 25 3. Internship/co-op education
- 26 4. Certificates/diploma/qualifications
- 27 5. Immersion/service learning/social engagement

- 1 6. Research and/or graduate studies
- 2 7. Study, work, holiday pursuant to trade agreements
- 3 8. Cultural exchange
- 4 9. Language training program
- 5 10. Such other education or training-related activities undertaken pursuant to
- 6 acquiring certification, diploma, credit recognition, degree or qualification.

7

8 (g) Prearranged Employment (G Visa): Foreign nationals coming to the Philippines on

9 prearranged employment, including their family members accompanying or following to join

10 them within the period of their employment. This category includes intra-company

11 transferees, professionals, performing artists, athletes, and cultural exchange workers under

12 a work exchange program;

13

14 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and

15 religious ministers, including members of their family, coming to the Philippines to join a

16 religious congregation or denomination duly registered with the Securities and Exchange

17 Commission, upon invitation, sponsorship or guarantee of such religious congregation or

18 denomination, solely for the purpose of propagating, teaching and disseminating their faith

19 or religion;

20

21 (i) Representatives of Accredited International Organizations and Government

22 Agencies (I Visa): Foreign officials and staff of accredited international organizations,

23 including their dependent family members, staff, and household members shall be granted I

24 Visas divided into four (4) types, namely:

25

26 (1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal officials

27 of accredited international organizations, as well as their accompanying

28 spouses and dependents;

29

30 (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other officials

31 and staff of accredited international organizations, as well as their accompanying

32 spouses and dependents;

33

1 (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and staff of
2 international organizations who will perform short-term official work with the
3 international organization upon its invitation; and
4

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

9 Accredited international organization includes any public international organization
10 engaged in activities of which the Philippines participates pursuant to any treaty or under the
11 authority of any act of the Congress of the Philippines authorizing such participation or
12 making an appropriation for such participation and such other international organizations,
13 institutions, agencies, programs, foundations and entities which are recognized by the
14 government of the Republic of the Philippines, including those existing and already
15 recognized as such at the time of the effectivity of this Act.
16

17 All types of visas under Section 44(i) of this Act shall be exclusively issued and renewed
18 by the DFA, which shall also determine the type of I Visa of officials and staff of international
19 organizations that are not identified in the foregoing list. The grant of immunities and
20 privileges shall be subject to applicable domestic and international law, relevant Headquarters
21 Agreements, and international agreements to which the Philippines is a party.
22

23 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
24 accredited by the government agency concerned, who are bona fide representatives of a
25 foreign press, radio, satellite, television, film, or other information media, and are coming to
26 the Philippines solely to engage in gathering information principally for dissemination abroad,
27 including their family members accompanying or following to join them during the period of
28 the assignment in the Philippines;
29

30 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,
31 study, observe, conduct research or receive training in a specific Exchange Visitor Program
32 duly approved by the Philippine Government;
33

1 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in this
2 Act and in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol shall
3 be issued L-1 Visas. Stateless persons, whose admission for humanitarian reasons and not
4 inimical to public interest has been approved by the Secretary of Justice or the President in
5 such cases and under such conditions as they may prescribe, shall be issued L-2 Visas;
6

7 (m) Bridging Visa (M Visa): A temporary visa which allows a foreign national to stay
8 in the Philippines after the expiration of the current visa, other than temporary visitor visa
9 under Section 44(a), and while an application for adjustment of status is being processed.
10

11 (n) Startup Visa (N visa): Visa issued by the DFA pursuant to Sec. 13, Chapter 3 of
12 Republic Act No. 11337, otherwise known as the "Innovative Startup Act", which includes the
13 Startup Owner Visa (N-1 Visa), Startup Employee Visa (N-2 Visa) and Startup Investor Visa
14 (N-3 Visa)
15

16 (o) Special Non-Immigrants (O Visas): Such other foreign nationals including their
17 family members who may be admitted as non-immigrants under special laws or foreign
18 nationals not otherwise provided for by this Act who are coming for temporary periods only,
19 and whose admission is authorized by the Board or the President in the interest of the public
20 or for humanitarian considerations and under such conditions as may be prescribed.
21

22 All other agencies and offices other than the DFA authorized to issue visas in accordance
23 with existing laws shall be subject to reportorial requirements as prescribed by the Board.
24 The Board shall likewise prescribe penalties for violations thereof.
25
26
27
28
29

30 **CHAPTER 2**
31 **IMMIGRANTS**
32

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

7
8 (a) First Preference: Those whose service and qualifications show high educational
9 attainment, technical training, specialized experience, or exceptional ability in the sciences,
10 arts, professions, or business as would reasonably enhance and contribute substantial
11 benefits prospectively to the national economy, or cultural or educational interests or welfare
12 of the Philippines, including their family members, accompanying or following to join them,
13 who shall likewise be allotted individual quota numbers;

14
15 (b) Second Preference: Parents of a naturalized Philippine citizen;

16
17 (c) Third Preference: Spouses or minor children of foreign nationals who are lawful
18 permanent residents of the Philippines; and

19
20 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent residents
21 of the Philippines.

22
23 **SEC. 46. Allotment of Quota.** — The Commissioner shall, with respect to the first
24 preference, allot not more than fifty percent (50%) of the annual quota allotment up to the
25 end of June of each year: *Provided*, That if the fifty percent (50%) allotment for one
26 nationality is not utilized by the first preference, the balance thereof shall be given to the
27 second, third, and fourth preferences for the same nationality in accordance with the
28 preceding Section. Any unused quota allotment for a calendar year shall not be carried over
29 and utilized for the ensuing calendar year.

30
31 **SEC. 47. Basis in Determination of Quota Allotment.** — The nationality of
32 immigrants whose admission is subject to the numerical limitation imposed by Section 45 of
33 this Act shall be that of the country of which the immigrant is a national or a citizen. The

1 nationality of immigrants possessing dual nationality may be that of either of the two
2 countries regarding them as a national or citizen if they apply for a visa in a third country. If
3 such immigrants apply for a visa within one of the two countries regarding them as a national
4 or citizen, their nationality shall be that of the country in which they filed their application for
5 a visa to enter the Philippines.

6
7 **SEC. 48. *Non-Quota Immigrants.*** — The following immigrants, known as "*non-*
8 *quota immigrants*", may be admitted without regard to numerical limitation and immigration
9 reciprocity:

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

16 (b) A person of Filipino descent regardless of generation;

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

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

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

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

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

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

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

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

14 **CHAPTER 4**
15 **ADJUSTMENT OF STATUS**

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

19 (a) the foreigner makes an application for such adjustment;

20 (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is
21 admissible to the Philippines as a permanent resident; and

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

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

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

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

10 (a) a foreign national who has violated or is in violation of immigration laws, rules
11 and regulations, unless the violation is without the fault of the foreign national or for purely
12 technical reasons; and

13 (b) transients.

14 **SEC. 54. *Loss of Status.*** — A registered foreign national, except a temporary visitor,
15 who fails to return to the Philippines within a period of one (1) year from departure shall lose
16 the status granted under this Act. Such foreign national may apply for an extension of the
17 period within which to return prior to its expiration and pay the prescribed fees and charges
18 in order to maintain the status or type of visa granted.

19 CHAPTER 5

20 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

21 **SEC. 55. *Documentary Requirements of Non-immigrants.*** — Non-immigrants
22 must present for admission into the Philippines valid passports issued by the governments of
23 the countries to which they owe allegiance or other travel documents showing their
24 nationality and identity as prescribed by regulations, a valid visa granted by the Consular

1 Officer, if required, and such other relevant documents as may be required under existing
2 laws, rules, regulations, or multilateral or bilateral agreements.

3 **SEC. 56. *Conditions and Period of Authorized Stay of Temporary Visitors.*** —

4 The initial period of authorized stay of a foreign national admitted as a temporary visitor
5 under Section 44(a) of this Act shall not exceed fifty-nine (59) calendar days from the date
6 of arrival, subject to bilateral, regional and multilateral visa agreements entered into by the
7 Philippines: *Provided*, That the conditions for extensions and total period of authorized stay
8 shall be prescribed by the Commissioner: *Provided, further*, That during the foreign national's
9 authorized stay, such foreign national: (a) shall not take any employment, whether paid or
10 unpaid; (b) shall not establish or join in any business; and (c) shall not enroll or become a
11 student at a school, college, university, academy, or other educational institution, unless
12 granted, upon proper application, a conversion to another immigration status provided under
13 this Act.

14 **SEC. 57. *Conditions for Issuance of Pre-Arranged Employment Visas.*** — A

15 foreign national who is coming to the Philippines for prearranged employment shall not be
16 issued a non-immigrant visa referred to in Section 44(g) of this Act until the Consular Officer
17 shall have received authorization for the issuance of the same. Such authorization shall be
18 given only upon the filing of a petition with the Board establishing, among others, that no
19 person can be found in the Philippines willing and competent to perform the work or service
20 for which the foreigner is desired and that the admission would be beneficial to the public
21 interest. The petition shall be under oath by the prospective employer or the latter's
22 representative in the form and manner prescribed by the Board.

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

26 **SEC. 58. *Submission of Crew List and Passenger Manifest.*** — Simultaneous to

27 the vessel's departure from the port of origin, the master, captain, agent, owner or consignee
28 of any commercial vessel arriving in the Philippines shall submit to the Bureau, within a
29 reasonable time prior to such arrival, the crew lists, passenger manifests and such other

1 information concerning the persons arriving on such a vessel. In the same manner and
2 condition, the master, captain, agent, owner or consignee of any commercial vessel departing
3 from any port in the Philippines shall submit to the Bureau, within a reasonable time prior to
4 such departure, the crew list, passenger manifest and such other information concerning the
5 persons departing on such vessel. The crew list of an incoming sea craft shall contain the
6 appropriate visa granted by the Consular Officer.

7 **SEC. 59. *Inspection of Crewmembers.*** – It shall be the duty of the master,
8 captain, agent, owner or consignee of any vessel arriving in the Philippines to have available
9 on board, for inspection by Immigration Officers, any foreign crewmember employed on such
10 vessel and, when required by the immigration authorities, to detain such crewmember on
11 board after inspection or to remove such crewmember. No crewmember on board such vessel
12 shall be discharged while the vessel is in port without the permission of the Commissioner.

13 **SEC. 60. *Permission for Temporary Landing of a Foreign Crewmember.*** — A
14 foreign crewmember on a vessel arriving in the Philippines may be permitted to land
15 temporarily under such conditions as may be prescribed by the Commissioner. All expenses
16 incurred by the Bureau while the crewmember is on land shall be borne by the master,
17 captain, agent, owner or consignee of the carrying vessel

18 **CHAPTER 6**

19 **DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

20 **SEC. 61. *Documentary Requirements of Immigrants; Instances When Not***
21 ***Required.*** — Immigrants must present for admission into the Philippines valid passports or
22 travel documents issued by the government of the country to which they owe allegiance,
23 showing their nationality and identity and valid immigrant visas indicating the date of issue
24 and the period of validity thereof. Immigrant visas shall not be required of the following:

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

27 (b) A child born during the temporary visit abroad of the mother who is a lawful
28 permanent resident of the Philippines and a holder of a valid re-entry permit, if the

1 child is accompanied by either parent within five (5) years from the date of the child's
2 birth; and

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

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

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

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

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

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

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

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

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

8 **SEC. 66. Visa Validity Period.** — A single-entry non-immigrant or immigrant visa
9 issued by a Consular Officer abroad pursuant to Section 64 of this Act shall be valid for a
10 period not exceeding three (3) months: *Provided,* That in prescribing the validity period of a
11 single-entry non-immigrant visa, the Consular Officer may allow a longer validity period based
12 on reciprocity as accorded by the foreign country to citizens of the Philippines who are within
13 a similar class.

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

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

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

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CHAPTER 8
RE-ENTRY AND EMIGRATION CLEARANCE

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

8 **SEC. 70. *Emigration Clearance.*** — A registered foreign national who departs
9 permanently from the Philippines shall surrender all Philippine immigration documents and
10 apply for and be issued an Emigration Clearance Certificate, subject to the following
11 conditions:

12 (a) The immigrant has no pending obligation with the government or any of its
13 agencies or instrumentalities;

14 (b) The immigrant has no pending criminal, civil, or administrative proceeding
15 which requires continued presence in the country; and

16 (c) There is no ongoing legislative inquiry where the immigrant is called upon to
17 testify as a witness.

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

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CHAPTER 9
PRESIDENTIAL PREROGATIVES

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

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

5 (b) Waive passport or documentary requirements for non-immigrants and
6 immigrants under such terms and conditions as may be prescribed;

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

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

10 (e) Admit non-immigrants not otherwise provided for in this Act for humanitarian
11 considerations and when not detrimental to public interest, under such terms and
12 conditions as may be prescribed;

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

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

19 **TITLE IV**
20 **PROVISIONS RELATING TO ENTRY**

21 **CHAPTER 1**
22 **CLASSIFICATION OF PORTS OF ENTRY**

1 expenses incidental thereto, shall be borne by the owner, operator, captain, master, pilot,
2 agent or consignee of such vessel.

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

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

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

22 **SEC. 82. *Requirement for Submission of List of Newly Employed, Discharged***
23 ***and Illegally Landed Foreign Crewmember.*** — Prior to the departure of any vessel from
24 the last port in the Philippines destined to any place outside thereof, the owner, operator,
25 captain, master, pilot, agent or consignee thereof shall deliver to the Immigration Officer at
26 that port a list containing:

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

1 (b) The names of those who have been discharged, if any;

2 (c) The names of those who have deserted or illegally landed at that port, if any; and

3 (d) Such other additional information as the Commissioner deems necessary.

4 **SEC. 83. *Liability for Failure to Submit Complete, True and Correct Report.***

5 — The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a true
6 and complete list or report of foreign nationals or to report cases of desertion or illegal landing
7 shall pay such sum as may be prescribed under Section 121 of this Act. No vessel shall be
8 granted clearance from any port in the Philippines while such fines remain unpaid or while
9 the validity thereof is being determined: *Provided*, that clearance may be granted prior to
10 such determination upon deposit of a sum or cash bond sufficient to cover such fines as
11 approved by the Commissioner.

12 **CHAPTER 4**
13 **EXCLUSIONS**

14 **SEC. 84. *Exclusion Grounds.*** - The following classes of foreign national shall not
15 be allowed entry and shall be excluded from the Philippines:

16 (a) Health Related Grounds

17 1. Those who are found to be suffering from a communicable, dangerous or
18 contagious disease, unless excepted under existing laws, rules and
19 regulations;

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

- 1 3. Those who are found to be suffering from addiction to prohibited or
2 regulated substance;

3 (b) Economic Grounds
4

- 5 1. Those likely to become a public charge;
- 6 2. Those seeking entry for the purpose of performing skilled or unskilled labor,
7 without a permit from the Secretary of the Department of Labor and
8 Employment as required by law;

9 (c) Moral Grounds

- 10 1. Those coming to the Philippines to practice polygamy or who advocate the
11 practice of polygamy unless the person's religion allows such practices;
- 12 2. Those who are pedophiles, sexual perverts or those coming to the
13 Philippines for immoral purposes;
- 14 3. Those who are engaged or who seek to engage in prostitution or to procure
15 or attempt to procure prostitutes, or who receives in whole or in part the
16 proceeds of prostitution;
- 17 4. Those who, at the time of primary inspection by the Immigration Officer,
18 exhibit any contemptuous or disrespectful behavior towards the said officer
19 or any government official or employee of the Bureau;

20 (d) Criminal and Security Grounds

- 21 1. Those who have been convicted of a crime involving moral turpitude or
22 who admit to the Immigration Officer having committed such crime, or who
23 attempt and conspire to commit the crime;

- 1 2. Those who have been convicted, or who admit having committed, or are
2 committing acts which constitute the elements of a violation or conspiracy
3 to violate any law or regulation of the Philippines or a foreign country
4 relating to a controlled, regulated or prohibited substance, or who admit
5 having attempted or conspired to commit the crime;

- 6 3. Those that the Philippine Government knows or has reason to believe is a
7 trafficker of any controlled, regulated or prohibited substance or knows or
8 has reason to believe is or has been an accomplice, accessory, abettor, or
9 co-conspirator in the illicit trafficking of any controlled, regulated or
10 prohibited substance;

- 11 4. Those who are fugitives from justice;

- 12 5. Those who seek to enter the Philippines to engage in:
 - 13 a. espionage or sabotage, or a violation or evasion of any laws prohibiting
14 export of goods, technology or sensitive information;

 - 15 b. any activity aimed to promote membership in an organization of
16 syndicated criminal activities;

 - 17 c. any activity, the purpose of which is to overthrow the Philippine
18 government by force, violence or other unlawful means; and

 - 19 d. any other unlawful activity;

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

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

- 1 8. Those who are under fifteen (15) years of age and unaccompanied by or
2 not coming to a parent, except that they may be admitted at the discretion
3 of the Commissioner, if otherwise admissible: *Provided*, That they present
4 a written consent to travel from either parent citing the purpose thereof and
5 affirmed by a Consular Officer; and
- 6 9. Those who have been identified by competent authorities, local and foreign,
7 as having engaged or are engaging in importation of contrabands and other
8 prohibited articles into the country.

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

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

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

23

24 **SEC. 88. *Procedure of Removal and Cost Thereof.*** — Foreign nationals arriving
25 in the Philippines who are ordered excluded shall be immediately removed in the same
26 accommodation to the country where they boarded the vessel on which they arrived, unless
27 the Commissioner determines that immediate removal is not proper and practicable, in which
28 case such excluded foreign nationals shall be ordered detained. The cost of detention and

1 other expenses incidental thereto shall be borne by the owner, operator, master, pilot,
2 captain, agent or consignee of the vessel on which such foreigners arrived.

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

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

8 (b) The country of birth;

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

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

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

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

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

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

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

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

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

11 **TITLE V**
12 **DEPORTATION**

13 **CHAPTER 1**
14 **DEPORTABLE FOREIGN NATIONALS**

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

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

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

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

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

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

3 (f) Those who believe in, advise, advocate or teach the overthrowing by force and
4 violence the Government of the Republic of the Philippines or any duly constituted
5 authority, or those who do not believe in or are opposed to organized governments,
6 or those who advise, advocate or teach the assault or assassination of public officials,
7 or those who advise, advocate or teach the unlawful destruction of property, or those
8 who are members of or affiliated with any organization entertaining, advocating or
9 teaching such doctrines, or those who in any manner whatsoever extend assistance,
10 financial or otherwise, in the dissemination of such doctrines;

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

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

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

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

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

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

25 (m) Those who forge, counterfeit, alter or falsely make any document; or use,

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

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

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

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

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

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

21 CHAPTER 2

22 DEPORTATION OF FOREIGN NATIONALS

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

1 **SEC. 96. *Bail.*** – Pending final determination of the foreign national’s deportation
2 case, the foreign national shall, upon the discretion of the Commissioner, remain under
3 detention or be released on bail or recognizance. The bail may be revoked and confiscated
4 in favor of the government if there is sufficient evidence that the foreign national is evading
5 the proceedings or is attempting to abscond, in which case such foreign national shall be
6 taken into custody and placed under detention by order of the Commissioner.

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

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

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

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

- 26 (a) Age, health, family or conduct;
27 (b) Period of detention;

- 1 (c) Impact on national security and public welfare;
- 2 (d) Unavailability of travel documents;
- 3 (e) Existence of an application for refugee or statelessness status; or
- 4 (f) Other humanitarian considerations.

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

11 **SEC. 102. *Country of Destination of a Deportee.*** – Except as provided for under
12 an existing treaty or international agreement, a foreign national shall be deported to the
13 country of which the person is a citizen or national, or foreign national’s country of birth, or
14 the country of which the individual is a resident, or the country from which the individual
15 embarked for the Philippines, subject to the acceptance by the receiving country.

16 **SEC. 103. *Cost of Deportation.*** – The cost of deportation shall be borne by the
17 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its foreign
18 crewmember is to be deported under Section 92 of this Act. In all other cases, the cost of
19 deportation shall be borne either by the deportee, by the concerned consular office,
20 nongovernment organizations or people’s organizations with which the Bureau has an
21 agreement on this matter, or from the appropriations for the enforcement of this Act.

22 **SEC. 104. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or***
23 ***Consignee of a Vessel.*** – Failure or refusal on the part of the owner, operator, captain,
24 master, pilot, agent or consignee of a vessel to take on board, guard safely and transport
25 the deportee to the foreign national’s country of destination, or to shoulder the cost of
26 deportation of the foreign crew member as provided in the preceding Section, shall be subject
27 to the administrative fines prescribed under Section 122 of this Act.

28 **SEC. 105. *Expenses of Accompanying Person.*** – The Commissioner may, for

1 security reason or by reason of the mental or physical condition of the deportee, direct an
2 employee of the Bureau to accompany such deportee to the country of the deportee's
3 destination, subject to the provisions of Section 103 of this Act.

4 **CHAPTER 3**
5 **INDIGENT FOREIGN NATIONAL**

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

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

16 **TITLE VI**
17 **MISCELLANEOUS PROVISIONS**

18 **CHAPTER 1**
19 **REGISTRATION OF FOREIGN NATIONALS**

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

24 **SEC. 108. *Registration Form and Oath.*** — Applications for registration shall be
25 under oath and in such form as prescribed by the Bureau. Upon registration, a certificate of
26 registration shall be issued to the registrant. In case of loss or destruction of the certificate,

1 a replacement certificate may be issued by the Bureau upon proper application and payment
2 of prescribed fees

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

6 **SEC. 110. *Presentation of Certificate of Registration.*** — Every foreign national
7 required to register under this Act or the parent or guardian of such foreign national shall,
8 upon demand by any personnel authorized by the Commissioner, present a certificate of
9 registration of such individual, and failure to do so without justifiable cause shall be dealt
10 with in accordance with the provisions of this Act.

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

16 **SEC. 112. *Failure to Comply with Requirements.*** — A foreign national, or the
17 parent or guardian of the foreign national, who, without justifiable reason, fails to comply
18 with all the requirements under this Act, or who files an application for registration containing
19 statements known by the individual to be false, or who utilizes registration documents other
20 than that of the individual, shall be dealt with in accordance with the provisions of this Act
21 and other existing laws.

22 **SEC. 113. *Cancellation of Registration of Foreign National.*** — In case of death
23 of a foreign national registered under the provisions of this Act, the legal heir, representative
24 or administrator of the foreign national must inform the Bureau within sixty (60) days from
25 such death, and the Bureau shall cancel the registration of the deceased foreign national.
26 The Local Civil Registrar or other civil registry officer of the locality where said foreign national
27 died shall furnish the Bureau with a copy of the Certificate of Death within thirty (30) days
28 from issuance thereof. Failure on the part of the persons concerned to comply with the

1 requirements specified in this Section shall be dealt with pursuant to the provisions of existing
2 laws.

3 **CHAPTER 2**
4 **BONDS AND DEPOSITS**

5 **SEC. 114. *Bonds, When Required.*** — The Bureau shall have the authority to
6 require cash bonds in such amounts and under such conditions as it may prescribe in order
7 to:

- 8 (a) control and regulate the admission into, and departure from, the Philippines of
9 foreign nationals applying for temporary admission;
- 10 (b) insure against foreign passengers liable to be excluded as likely to become
11 public charges; and
- 12 (c) ensure the appearance of foreign nationals released from custody during the
13 course of deportation proceedings instituted against them.
- 14

15 **SEC. 115. *Requirement of Cash Deposits for Services Rendered.*** — The Bureau
16 shall likewise have the authority to require cash deposits in such amounts as may be
17 necessary from a vessel's owner, operator, captain, master, pilot, agent, or consignee or
18 other persons served for services rendered as established by the implementing rules and
19 regulations.

20 **SEC. 116. *Cancellation and Forfeiture of Bonds.*** — When the conditions of the
21 bond are fulfilled, or in case the Commissioner determines that the likelihood that a foreign
22 national shall become a public charge no longer exists, or in case of death of the foreign
23 national in whose behalf the bond is posted, the bond shall be cancelled and released to the
24 depositor or the legal representative of the foreign national. In case of violation of the
25 conditions of the bond, the same shall be forfeited and deposited in a trust fund account
26 which may be utilized for the purchase of passage tickets for the removal of indigent foreign
27 nationals and to cover the costs of operations in locating deportees who jump bail.

28 **CHAPTER 3**

1 **RECOGNIZANCE**

2 **SEC. 117. *Petitions for Recognizance, Sanction for Breach of Conditions.*** —

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

9 **CHAPTER 4**

10 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

11 **SEC. 118. *Working Cooperation with the Department of Foreign Affairs.*** —

12 For purposes of efficient implementation and administration of this Act, the Bureau shall
13 maintain a working cooperation with the DFA.

14 **SEC. 119. *Working Cooperation with the Commission on Higher Education***
15 **(CHED).** — The Bureau shall maintain a working cooperation with the CHED with respect to
16 the accreditation of schools and learning centers for enrollment of foreign students as
17 authorized under this Act.

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

21 **SEC. 121. *Coordination with Law Enforcement, Security and Other Offices.***

22 — The Bureau shall have the authority to maintain coordination with the National Security
23 Council, the Philippine National Police (PNP), and other law enforcement agencies of the
24 government.

1 (c) Refusal or failure to deliver a foreign national for medical or other examinations
2 when so ordered by an Immigration Personnel;

3 (d) Refusal or failure to pay the cost of maintenance and other costs, as required by
4 this Act, of such foreign national when temporarily removed from the vessels for
5 examination by order of the Immigration Officer;

6 (e) Refusal to receive such foreign national on board for removal from the Philippines
7 if the foreign national is excluded, or to pay the cost of removal as required under
8 Sections 90 and 104 of this Act;

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

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

16 **SEC. 125. *Fine for Bringing Undocumented Foreign National, or Foreign***
17 ***National Afflicted with Communicable or Contagious Disease, or Suffering from***
18 ***Mental Disorder.*** — The owner, operator, master, captain, pilot, agent, or consignee of the
19 vessel arriving at a port in the Philippines from a place outside thereof bringing on board an
20 undocumented foreign national shall be fined One hundred thousand pesos (P100,000.00)
21 for each foreign national. If the foreign national is afflicted with a communicable or
22 contagious disease or is suffering from mental disorder, the fine shall be not less than Two
23 hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos
24 (P300,000.00) for each foreign national.

25
26 **SEC. 126. *Fine for Bringing a Foreign National to Assist His Illegal Entry or***
27 ***Misrepresenting a Foreign National as a Member of the Crew.*** — The owner,
28 operator, master, captain, pilot, agent, or consignee of the vessel arriving at any port in the

1 Philippines from a place outside thereof bringing on board a foreign national bound for the
2 Philippines to assist the illegal entry of the foreign national, or misrepresenting the foreign
3 national to the Immigration Officer at the port of arrival as a bona fide member of the crew,
4 shall be fined not less than One hundred thousand pesos (P100,000.00) but not more than
5 Two hundred thousand pesos (P200,000.00) for each foreign national.

6
7 **SEC. 127. *Fine for an Overstaying Crewmember.*** — Any foreign crewmember
8 who willfully remains in the Philippines beyond the period allowed for temporary landing shall
9 be fined not less than Fifty thousand pesos (P50,000.00) but not more than One hundred
10 thousand pesos (P100,000.00). The owner, operator, master, captain, pilot, agent, or
11 consignee of the vessel shall be solidarily liable for the fine imposed on such overstaying
12 crewmember.

13
14 **SEC. 128. *Fine for Assaulting an Immigration Personnel***— Any form of assault
15 directed to any personnel of the Bureau is an act of disrespect. In case the assault is
16 committed by a foreign national at the ports of entry and exit, such foreign national shall be
17 excluded or deported, as the case may be, and shall be fined Two Hundred Thousand Pesos
18 (P200,000.00) without prejudice to the right of the aggrieved Immigration Personnel to file
19 appropriate criminal, civil or administrative cases against such person.

20
21 For purposes of this Act, an Immigration Officer shall be considered a person in
22 authority while in the performance of official duty.

23
24 **SEC. 129. *Fine for Violation of Other Provisions of this Act.*** — The owner,
25 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port of the
26 Philippines from a place outside thereof who violates any other provision of this Act not
27 specifically provided in this Chapter shall be fined not less than Fifty thousand pesos
28 (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each
29 violation.

30 **CHAPTER 7**
31 **PENAL PROVISIONS**

1 **SEC. 130. *Prohibited Acts and Penalties.*** – Any person who shall commit any of
2 the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment for
3 not less than five (5) years but not more than ten (10) years, or a fine of not less than One
4 hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos
5 (P500,000.00), or both imprisonment and fine, at the discretion of the court:

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

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

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

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

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

18 (f) Knowingly making any false statement under oath regarding any immigration
19 matter; or

20 (g) Bringing into, or landing in the Philippines, or concealing, harboring, employing,
21 or giving comfort to, any person not duly admitted by an Immigration Personnel or
22 not lawfully entitled to enter into or reside within the Philippines, or attempting,
23 conspiring with, or aiding another to commit any such acts.

24 Where the offender of any acts specified in paragraph (g) of this section is a
25 corporation, partnership or other juridical entity, the president, general manager, managing

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

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

15 **SEC. 131. *Penalty for Aiding the Escape of Detained Foreign National.*** — Any
16 person who shall be found to have helped, assisted, supported, caused or ministered the
17 escape, including harboring and concealing, of a foreign national shall, upon conviction, be
18 imprisoned for not less than five (5) years but not more than ten (10) years and a fine of not
19 less than Two hundred thousand pesos (P200,000.00): *Provided*, That if the person liable is
20 a foreign national, such person shall be deported after service of sentence: *Provided further*,
21 That any tools, equipment, implements or vehicles used in the escape of a detained foreign
22 national shall be destroyed or forfeited in favor of the government.

23 **SEC. 132. *Penalty for Non-compliance of Subpoena.*** — Any person who, having
24 been duly served with a subpoena, fails to comply without valid and justifiable reasons shall
25 suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more
26 than One thousand pesos (P1,000.00), or both, at the discretion of the court.

27 **SEC. 133. *Imposition of Maximum Penalty, When Applicable.*** — A person
28 convicted under Republic Act No. 3019, as amended, otherwise known as the "*Anti-Graft and*
29 *Corrupt Practices Act*", or other laws against corruption and bribery in relation to any violation

1 or circumvention of any provision of this Act shall suffer the maximum penalty under the said
 2 Republic Act or other laws against corruption and bribery, as the case may be.

3 **CHAPTER 8**

4 **UPGRADING OF POSITIONS, COMPENSATION AND BENEFITS**

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

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
Commissioner	Commissioner III	30	30
Deputy Commissioner	Deputy Commissioner III	29	29
	Director II, Internal Affairs Service		26
Attorney V (Board of Special Inquiry)	Attorney V, Board of Special Inquiry	25	25
Attorney IV (Board of Special Inquiry)	Attorney IV, Board of Special Inquiry	23	23
Attorney III (Board of Special Inquiry)	Attorney III, Board of Special Inquiry	21	21
Attorney V (Legal Division)	Chief Legal Affairs Officer	25	25
Attorney IV (Legal Division)	Attorney IV, Legal Division	23	23
Attorney III (Legal Division)	Attorney III, Legal Division	21	21

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer	24	24
Supervising Administrative Officer (Administrative Division)	Supervising Administrative Officer, Administrative Division	22	22
Chief Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer	24	24
Intelligence Officer V (Intelligence Division)	Chief Immigration Intelligence Officer	24	24
	Chief Immigration Law Enforcement Officer		24
Chief Immigration Officer (Port Operations Division)	Chief Immigration Operations Officer	24	24
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Regulation Officer	24	24
	Chief Human Resource Management Officer (Chief Personnel Specialist)		24
	Supervising Human Resource Management Officer		22
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer	24	24
Supervising Administrative Officer (Finance and Management Division)	Supervising Administrative Officer, Finance and Logistics Division	22	22

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

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE				
Immigration Assistant						
Administrative Officer V (Administrative Officer III)	Administrative Officer V	18	18			
Administrative Officer V (Cashier III)						
Administrative Officer V (HRMO III)						
Administrative Officer V (Records Officer III)						
Administrative Officer V (Supply Officer III)						
Administrative Officer V (Procurement)						
Administrative Officer V (Management and Audit Analyst III)						
Administrative Officer V (Budget Officer III)						
Medical Officer III				Medical Officer III	21	21
Computer Programmer II	Information Technology Officer I	15	19			
Computer Maintenance Technologist II						
Dentist II	Dentist II	17	17			
Fingerprint Examiner IV	Fingerprint Examiner IV	15	15			
Accountant III	Accountant III	19	19			
Accountant II	Accountant II	16	16			
Accountant I	Accountant I	12	12			

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
	Board Secretary V		24
	Regional Programs Coordinator		22
	Training Specialist III		18
	Psychologist III		18
	Document Examiner III		18
	Training Specialist II		15
	Project Development Officer II		15
	Psychologist II		15
	Security Officer II		15
	Computer Programmer I		11

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

7 **SEC. 135. *Additional Grant of Benefits.*** —The Bureau shall provide its employees
8 with the following benefits:

- 9 (1) Health care services through an accredited Health Maintenance Organization for
10 its regular employees;
- 11 (2) Accident Insurance policies for all employees;
- 12 (3) Night Shift differential and overtime pay for actual work rendered, in accordance
13 with existing guidelines;
- 14 (4) Longevity pay, subject to guidelines that shall be issued by the Board in
15 accordance with existing laws and regulations and subject to the approval of the
16 Secretary of the DBM;
- 17 (5) Transportation benefits;
- 18 (6) Quarters allowance; and,

1 (7) Hazard pay amounting to twenty percent (20%) of basic salary to qualified
2 employees as may be determined by the Board.

3 **SEC. 136. Retention and Use of Immigration Fees, Fines and Other Income;**

4 **Immigration Trust Fund.** — The Board is hereby authorized to retain and use every year
5 thirty per cent (30%) of its collections from immigration fees, fines and penalties, and other
6 income that may be collected by the Bureau for the effective implementation of this Act;
7 *Provided*, That the amount so retained and used by the Board shall not exceed One billion
8 two hundred million pesos (P1.2 Billion) every year; *Provided, further*, that the Board shall
9 review every three (3) years the maximum allowable retained collections based on the needs
10 of the Bureau under this Section, subject to the approval by the DBM; *Provided, finally*, that
11 any excess in the collections under this paragraph shall accrue to the general fund of the
12 national government.

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

16 (a) 50% for the modernization of equipment, facilities and offices used by employees
17 of the Bureau, including capital outlay for the establishment of new buildings and field
18 offices for the effective implementation of this Act;

19 (b) 30% for the payment of employee benefits provided in this Act, and as may be
20 hereafter provided by the Board with the approval of the Secretary of the DOJ; and

21 (c) 20% for the further professionalization of the employees of the Bureau including
22 trainings, seminars and other career advancement programs.

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

26 Collections from express lane fees under Section 11(o) of this Act shall not form part

1 of the ITF, and shall be used strictly in accordance with the said provision.

2

CHAPTER 9

3

TRANSITORY PROVISIONS

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

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

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SEC. 139. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission.* — All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Bureau.

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SEC. 140. *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.

24

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

27

CHAPTER 10

28

ADMINISTRATION AND IMPLEMENTATION

