

SENATE

S. No. 279

RECEIVED


Introduced by **Senator Francis G. Escudero**

PHILIPPINE IMMIGRATION ACT

EXPLANATORY NOTE

The current governing law of the Bureau of Immigration, Commonwealth Act 613, was enacted under the American regime in 1940. Various amendments have been introduced to the said law over the years. However, with globalization and the proliferation of international crimes, a more capable and practicable immigration system is very much needed by our country to keep up with the vast changing times.

Article II, Section 7 of the 1987 Philippine Constitution gives paramount consideration to national sovereignty, territorial integrity, national security, national interest, and the right to self-determination, as it adheres to the policy of peace, cooperation and amity with all nations.

Toward this end, this bill seeks to apply and administer Philippine immigration policies, rules and regulations in the promotion of domestic and international interests of the Philippines, in recognition of:

- (a) Admitting foreign nationals in the country for the purpose of enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) Enhancing technological and scientific development;
- (c) Promoting the social welfare and economic security of the people;
- (d) Fulfilling the obligations and standards set by international law in the admission or exclusion of foreign nationals;
- (e) Promoting international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities;

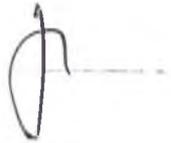
- (f) Modernizing structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and
- (g) Professionalizing the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

Hence, the immediate approval of this bill is earnestly sought.


FRANCIS G. ESCUDERO

SENATE

S. No. 279

REC'D 

Introduced by **Senator Francis G. Escudero**

PHILIPPINE IMMIGRATION ACT

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

TITLE I

GENERAL PROVISIONS

1
2
3 Section 1. *Title of the Act.* – This Act shall be known as the "*Philippine*
4 *Immigration Act*".

5 Sec. 2. *Declaration of Policy.* – In relation to other states, the Philippines shall
6 give paramount consideration to national sovereignty, territorial integrity, national
7 security, national interest, and the right to self-determination, as it adheres to the
8 policy of peace, cooperation and amity with all nations. Toward this end, Philippine
9 immigration policies, rules and regulations under this Act shall be applied and
10 administered in the promotion of domestic and international interests of the
11 Philippines, in recognition of:

12 (a) Admitting foreign nationals in the country for the purpose of enhancing
13 capital investments, trade and commerce, cultural exchanges and other forms of
14 friendly relations and cooperation;

15 (b) Enhancing technological and scientific development;

16 (c) Promoting social welfare and economic security of the people;

17 (d) Fulfilling the obligations and standards set by international law in the
18 admission or exclusion of foreign nationals;

1 (e) Promoting international order and justice by denying the use of Philippine
2 territory to persons who are engaged or likely to engage in terrorism, human
3 smuggling and trafficking, criminal and other nefarious activities;

4 (f) Modernizing structures and mechanisms necessary for the administration of
5 immigration laws in keeping with the changing demands of the country's role in the
6 global community; and

7 (g) Professionalizing the immigration service by instituting a rigid system of
8 screening and selection of immigration officials and employees and promoting their
9 development.

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

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

14 (b) *Board* shall refer to the Board of Commissioners;

15 (c) *Border Control Officer* shall refer to any person tasked to man the border
16 control station as provided under Section 26 of this Act;

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

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

19 (f) *Citizen* shall refer to any person who is a citizen of the Philippines under
20 Section 1, Article IV of the Constitution of the Republic of the Philippines;

21 (g) *Commission* shall refer to the Commission on Immigration;

22 (h) *Commissioner* and *Deputy Commissioner* shall refer to the Commissioner
23 of Immigration and the Deputy Commissioner of Immigration, respectively;

24 (i) *Commitment Order* shall refer to an order issued by the Commissioner
25 under Section 7 (c) (2) of this Act that directs the detention of a foreigner after it has
26 been determined that a probable cause exists that he/she committed acts and/or
27 omissions in violation of Philippine immigration laws, rules and regulations, or during
28 the pendency of deportation case against such foreigner: *Provided*, That such
29 detention shall not exceed three (3) months, unless there exists other legal grounds
30 for continued detention;

1 (j) *Consular Officer* shall refer to any consular, diplomatic, or other officer of
2 the Government of the Philippines who has been duly granted a consular commission
3 for the purpose of issuing visas under this Act;

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

11 (l) *Exclusion* shall refer to the act of Immigration Officers denying admission
12 of a foreigner into the country on grounds provided for in this Act;

13 (m) *Foreigner or Foreign National* shall refer to any person not a citizen of the
14 Philippines;

15 (n) *Foundling* shall refer to a deserted or abandoned infant or child whose
16 parents, guardian or relatives are unknown; or a child committed to an orphanage or
17 charitable or similar institution with unknown facts of birth and parentage and
18 registered in the Civil Registrar as a "foundling";

19 (o) *Hold Departure Order* shall refer to: (1) a directive that commands the
20 Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the
21 Philippines in cases of grant of bail and recognizance pending implementation of
22 Summary Deportation Order, or (2) an order implementing a directive from the
23 President, the Senate, the House of Representatives, the Department of Justice (DOJ),
24 Regional Trial Courts, Sandiganbayan, and appellate courts to prevent a person from
25 leaving the Philippines to any place outside thereof;

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

29 (q) *Immigrant* shall refer to any foreign national departing from any place
30 outside the Philippines destined for the Philippines, other than a non-immigrant;

31 (r) *Immigration Laws* shall refer to this Act and any other law presently
32 existing or which may hereafter be enacted relating to movement of natural persons

1 to and from the Philippines, and their exclusion, interception, deportation and
2 repatriation;

3 (s) *Immigration Officer* shall refer to any person appointed under Section 28
4 of this Act or any employee of the Commission designated by the Commissioner to
5 perform the powers, duties and functions of an Immigration Officer as specified under
6 this Act;

7 (t) *Interception* shall refer to the act of Immigration Officers denying
8 departure clearance to any person leaving the country on grounds provided for in this
9 Act;

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

13 (v) *Non-refoulement* shall refer to principle of international law which prohibits
14 the forced return of a refugee to the state or territory where his/her life or liberty
15 would be threatened;

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

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

21 (y) *Port of Entry* shall refer to any port designated by competent authority in
22 accordance with law through which a foreigner may apply to the Immigration Officer
23 thereat for admission into the Philippines;

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

25 (aa) *Refugee* shall refer to a person who, owing to a well-founded fear of being
26 persecuted for reasons of race, religion, nationality, membership of a particular social
27 group, or political opinion, is outside the country of his/her nationality, and is unable
28 or, owing to such fear, is unwilling to avail of the protection of that country; or who,
29 not having a nationality and being outside the country of his/her former habitual
30 residence, is unable or, owing to such fear, is unwilling to return to it;

31 (bb) *Seaman, Seafarer or Crewmember* shall refer to a person engaged,
32 employed, or is working in any capacity on board a ship;

1 (cc) *Secretary* shall refer to the Secretary of Justice;

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

4 (ee) *Travel document* shall refer to a certification or identifying document
5 containing the description and other personal circumstances of its bearer, issued for
6 direct travel to and from the Philippines valid for short periods or a particular trip. It
7 is issued only to persons whose claim to Philippine citizenship is doubtful or who fall
8 under the category enumerated in Section 13 of Republic Act No. 8239, otherwise
9 known as "The Philippine Passport Act of 1996";

10 (ff) *Vessel* shall refer to all means of conveyances, whether aircraft or sea craft;

11 (gg) *Visa* shall refer to an endorsement on a passport or any travel document
12 issued by a Consular Officer abroad authorizing the holder thereof to proceed to a
13 designated port of entry in the Philippines and there to apply for entry and admission
14 under the status specified therein; or immigration status granted and/or issued to
15 foreigners by the Commissioner or the Board under this Act; and

16 (hh) *Watchlist Order* shall refer to an order issued by the Commissioner under
17 Section 7 (c) (4) of this Act that requires immigration personnel to monitor and/or
18 prevent the departure of any person for a period of fifteen (15) days, extendible for
19 another fifteen (15) days, and to notify concerned government or law enforcement
20 agencies, when his/her presence is required in criminal or legislative proceedings or
21 he/she poses or may pose a threat to national security, public health or public safety.

22 TITLE II

23 COMMISSION ON IMMIGRATION

24 CHAPTER 1

25 THE COMMISSION

26 Sec. 4. *Creation.* – The Commission on Immigration is hereby created as the
27 agency principally responsible for the administration and enforcement of this Act, and
28 the implementation of all laws, rules, regulations or orders of any competent authority
29 concerning the entry and admission into, stay in, and the departure from the
30 Philippines of all persons. The Commission shall be under the general supervision of
31 the Office of the President.

1 (g) Declare such control posts, landing places, airports or ports as points of
2 entry or exit, whether limited or unlimited;

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

5 (i) Participate as member of the Special Committee on Naturalization pursuant
6 to Section 6 of Republic Act No. 9139 otherwise known as "The Administrative
7 Naturalization Law of 2000";

8 (j) Act on applications for retention or reacquisition of citizenship under
9 Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-acquisition
10 Act of 2003";

11 (k) Issue Certificate of Identification to foreigners who have obtained Filipino
12 citizenship;

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

17 (m) Inspect the documents, premises and records of persons covered by this
18 Act;

19 (n) Deputize any official or employee of the national government and local
20 government units, including uniformed personnel of the Armed Forces of the
21 Philippines, the Philippine National Police and the Philippine Coast Guard to perform
22 immigration duties and functions subject to the concurrence of the Board;

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

25 (p) Impose reasonable fines and penalties for violation of immigration and alien
26 registration laws in accordance with this Act and the guidelines adopted by the
27 Commission;

28 (q) Provide an express lane for the rendition of services upon payment of
29 prescribed fees by airlines/shipping companies or other persons served and to deposit
30 in a government-authorized depository bank all such fees received under a trust fund
31 that may be made available for the payment of allowances to employees of the
32 Commission, subject to existing accounting and auditing rules and regulations;

1 (r) Accept donation of materials, equipment or technical services from any
2 foreign government, international or domestic organization, to upgrade the efficiency
3 and operations of the Commission;

4 (s) Submit to the President and Congress, annually or as may be directed, a
5 report on the: (1) number and status of foreigners in the Philippines; (2) foreigners
6 admitted or granted change of status as permanent residents; (3) foreigners who have
7 been excluded or deported from the Philippines; (4) estimated number of illegal
8 foreigners in the Philippines in each calendar year and actions taken to arrest them,
9 by nationality grouping, for each region in the Philippines; and (5) such other
10 transactions of the Commission;

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

13 (u) Prescribe such rules, regulations or other administrative issuances to carry
14 out the provisions of this Act;

15 (v) Prescribe the appropriate forms, bonds, reports, entries and other papers in
16 accordance with this Act;

17 (w) Act on applications for recognition of Philippine citizenship on foundlings;
18 and

19 (x) Perform such other functions inherent to the Commission.

20 CHAPTER 3

21 THE DEPUTY COMMISSIONERS

22 *Sec. 8. Appointment and Rank of Deputy Commissioners.* – There shall be four
23 (4) Deputy Commissioners who shall be appointed by the President. They shall have
24 the same rank, salary and privileges of an Assistant Secretary of a Department:
25 *Provided, that a plantilla* for one (1) Deputy Commissioner shall be created which shall
26 be occupied by a career officer from the Commission.

27 *Sec. 9. Duties of Deputy Commissioners.* – In addition to their duties as
28 members of the Board, the Deputy Commissioners shall exercise additional powers,
29 subject to the approval of and as may be assigned by the Board, in the following areas
30 of concern as:

- 1 (a) Deputy Commissioner for Administration, Finance, Planning, Legal and
2 Information and Communications Technology;
- 3 (b) Deputy Commissioner for Regional Operations, Registration, Immigration
4 Regulation and Visa and Special Permit;
- 5 (c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and
6 Complaint and Prosecution; and
- 7 (d) Deputy Commissioner for International Policies, Cooperation and Social
8 Integration.

9 CHAPTER 4

10 THE BOARD OF COMMISSIONERS

11 *Sec. 10. Powers and Functions of the Board.* – The Board shall have the
12 following powers and functions:

- 13 (a) Decide on deportation cases;
- 14 (b) Act on appeals on decisions promulgated by immigration hearing officers;
- 15 (c) Act on applications or recommendations for revocation of immigration
16 status;
- 17 (d) Act on applications for recognition of Philippine citizenship by reason of birth
18 or marriage;
- 19 (e) Act on applications for recognition of Philippine citizenship of foundlings;
- 20 (f) Decide on applications for legalization of residence in accordance with law;
- 21 (g) Prescribe and promulgate rules of proceedings before it;
- 22 (h) Cite and punish for contempt any person in accordance with the Rules of
23 Court;
- 24 (i) Prepare and publish operations manual and rules of procedure, including
25 schedule of fees, for all transactions entered into by the Commission with the public;
- 26 (j) Formulate policies, directives, programs and projects of the Commission;
27 and
- 28 (k) Perform such other powers and functions as provided by existing laws, rules
29 and regulations not inconsistent with any of the provisions of this Act.

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

3 Sec. 16. Powers and Duties. – The Executive Director shall:

4 (a) Advise and assist the Commissioner in the formulation and implementation
5 of the objectives, policies, plans and programs of the Commission;

6 (b) Oversee all the operational activities of the Commission;

7 (c) Coordinate the programs and projects of the Commission and be responsible
8 for its economical, efficient and effective administration;

9 (d) Administer oaths in connection with all matters relating to the business of
10 the Commission; and

11 (e) Perform such other duties as may be assigned by the Commissioner.

12 CHAPTER 6

13 THE BOARD OF SPECIAL INQUIRY

14 Sec. 17. *Constitution of Boards of Special Inquiry.* – There shall be constituted
15 as many Boards of Special Inquiry as required in the exigency of service but not more
16 than twelve (12). Each Board shall be composed of a Chairperson and two (2)
17 members. The Board shall be designated according to their areas of specialization to
18 be determined by the Board.

19 Sec. 18. *Appointment and Qualification of the Chairpersons and Members of*
20 *the Boards of Special Inquiry.* – The Chairpersons and Members of the Boards of
21 Special Inquiry shall be appointed by the Commissioner, all of whom shall be natural-
22 born citizens of the Philippines and, at the time of their appointment, at least thirty
23 (30) years of age, members of the Philippine Bar in good standing, and engaged in
24 the practice of law for at least three (3) years. They shall hold office during good
25 behavior, unless sooner removed for cause.

26 Sec. 19. *Powers and Functions of the Boards of Special Inquiry.* – The Boards
27 of Special Inquiry shall exercise the following powers and functions:

28 (a) Administer oaths;

29 (b) Cite and punish for contempt in accordance with the Rules of Court;

- 1 (c) Issue subpoena in cases being heard by the Board of Special Inquiry;
- 2 (d) Recommend to the Board the imposition, waiver or reduction of fees, fines,
3 penalties and other charges subject to existing laws, rules and regulations;
- 4 (e) Exercise exclusive original authority to hear and recommend to the Board
5 for final resolution the following cases:
- 6 (1) Deportation;
- 7 (2) Applications for revocation of immigration status;
- 8 (3) Applications for recognition of Philippine citizenship by reason of
9 birth or marriage;
- 10 (4) Applications for legalization of residence in accordance with law;
- 11 (5) Application for issuance of visa for stateless person; and
- 12 (f) Perform such other duties and functions as may be directed by the
13 Commissioner.

14 *Sec. 20. Proceedings Before the Boards of Special Inquiry.* – The proceedings
15 before the Boards of Special Inquiry shall be public and recorded. In all cases, the
16 Boards of Special Inquiry shall meet and act as a collegial body. Only members of the
17 Philippine Bar in good standing shall appear for and in behalf of any party before the
18 Boards of Special Inquiry.

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

23 CHAPTER 7

24 DIVISIONS OF THE COMMISSION

25 *Sec. 22. Divisions and Other Operating Offices of the Commission.* – The
26 Commission shall have the following divisions and other operating offices, namely: (1)
27 Administration; (2) Finance; (3) Information and Communications Technology; (4)
28 Planning and Research; (5) International Policies and Cooperation; (6) Social
29 Integration; (7) Intelligence; (8) Law Enforcement; (9) Fraud Prevention; (10) Legal;
30 (11) Immigration Regulation; (12) Registration; (13) Visa and Special Permit; (14)

1 *Sec. 27. Changes in the Composition, Distribution of Assignment of Regional*
2 *Offices.* – The Commissioner may make changes in the composition, distribution and
3 assignment of Regional Offices, as well as its personnel, based on the demographics
4 of the Philippines’ foreigner population and as the exigency of the service requires.

5 *Sec. 28. Immigration Officers.* – The position of Immigration Officer is hereby
6 created. No person shall be appointed to the position of Immigration Officer unless he
7 is a holder of a bachelor’s degree and a first-grade civil service eligible. The
8 Immigration Officers shall perform the following duties:

9 (a) Examine, with the assistance and advice of medical authorities in
10 appropriate cases, foreigners at the port of entry concerning their admissibility to enter
11 and their qualifications to remain in the Philippines;

12 (b) Exclude foreign nationals not properly documented, and to admit foreign
13 nationals complying with the applicable provisions of immigration and related laws;

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

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

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

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

23 *Sec. 29. Designation of Employees.* – The Commissioner may designate, in
24 accordance with civil service laws, rules and regulations, any competent and qualified
25 employee of the Commission, to act as immigration officer or assign any employee to
26 other offices within the Commission and/or assign him/her additional or other duties
27 as the best interest or exigency of the service may require.

28 *Sec. 30. Assignment of Employees to do Overtime Work.* – The Commissioner
29 may assign immigration employees to do overtime work or services pursuant to rules
30 and regulations to be prescribed and at the rates fixed by the Commissioner when the

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

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

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

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

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

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

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

26 (i) Heads of the State and Heads of Government and their
27 personal representatives;

28 (ii) Members of reigning royal families recognized by the
29 Philippine Government;

30 (iii) Governors-General, Governors, and High Commissioners of
31 dependent territories and their personal representatives;

1 (iv) Cabinet ministers and their deputies and officials with
2 cabinet rank of ministers;

3 (v) Presiding officers of national legislative bodies;

4 (vi) Justices or judges of the highest national judicial bodies;

5 (vii) Diplomats and career consular officials;

6 (viii) Diplomatic couriers regularly and professionally employed as
7 such;

8 (ix) Military, naval, air and other attaches assigned to a
9 diplomatic mission;

10 (x) All members of official special missions of a diplomatic
11 character;

12 (xi) Officials of international organizations bearing diplomatic
13 passports when traveling on official business;

14 (xii) Representatives of international organizations who have
15 diplomatic status and bearing diplomatic passports issued by their
16 governments;

17 (xiii) Members of delegations proceeding to or from an
18 international conference of an official or diplomatic nature;

19 (xiv) Accompanying spouses and unmarried minor children of
20 foreigners within the abovementioned categories; and

21 (xv) Such other officials going to the Philippines on diplomatic
22 missions.

23 (2) The E-2 visa shall be issued to any other person not included in the
24 foregoing list, who is an officer of a foreign government recognized by the
25 Philippines, is a national of the country whose government he represents, and
26 is proceeding to the Philippines in connection with official business for his/her
27 government, which may include the following:

28 (i) Members of the staff of a diplomatic mission or consular
29 post, the staff of international organizations, and official students or
30 participants in programs under the auspices of the Philippine
31 Government or recognized international institutions; and

32 (ii) Family members of the above-mentioned persons.

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

4 (f) Students (F Visa): Foreign students having means sufficient for their support
5 and education in the Philippines who seek to enter the Philippines temporarily for the
6 sole purpose of taking up a course of study higher than high school at a university,
7 seminary, academy or college accredited for such foreign students by the Commission
8 on Higher Education (CHED) in collaboration with the Commission: *Provided*, That
9 such collaboration shall include the monitoring of the status of activities of such foreign
10 students in the Philippines;

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

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

22 (i) Representatives of International Organizations and Government Agencies
23 (I Visa): Officials, principal representatives and foreign workers of accredited
24 international organizations as well as missions, including their family members, staff
25 and servants. As used herein, the term "accredited international organization" shall
26 include any public international organization engaged in activities of which the
27 Philippines participates in pursuant to any treaty or under the authority of any act of
28 the Congress of the Philippines authorizing such participation or making an
29 appropriation for such participation, and such other international organizations,
30 institutions, agencies, programs, foundations and entities which are recognized by the
31 government of the Republic of the Philippines, including those existing and already

1 recognized as such at the time of the effectivity of this Act. The term "staff" includes
2 the employees of persons to whom the E-3 visa has been granted;

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

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

12 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined
13 in Section 3 (z) of this Act shall be issued L-1 Visa. Stateless persons, whose admission
14 for humanitarian reasons and not inimical to public interest has been approved by the
15 Commissioner or the President in such cases and under such conditions as he or she
16 may prescribe, shall be issued L-2 Visa; and

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

23 SEC 33-A. *Visa Policy.* – The policies governing the issuance, extension, renewal
24 and conversion of visas referred to in Section 33 of this Act shall be jointly formulated
25 by the Commission and the DFA and, when appropriate, the Commission and the DFA
26 shall consult with the other government agencies or offices concerned.

27 Any visa policy or guideline to be implemented abroad shall be done by the
28 DFA, with due notice to the Commission and other government agencies and/or offices
29 concerned.

30 Sec. 33-B. *Visa Issuance Overseas.* – All non-immigrant visas issued outside of
31 the Philippines shall be issued by Consular Officers of the DFA duly assigned at

1 Philippines posts abroad. Immigrant visas, whenever issued abroad, shall be
2 performed by the Consular Officers upon the approval of the Commission through the
3 DFA.

4 CHAPTER 2
5 IMMIGRANTS

6 Sec. 34. *Quota Immigrants.* – Subject to conditions set forth in this Act, there
7 may be admitted into the Philippines, immigrants, otherwise known as “quota
8 immigrants”, not to exceed two hundred (200) of any one nationality based on
9 immigration reciprocity for any one calendar year and upon allotment by the
10 Commissioner of the corresponding quota number. In the allotment of quota numbers,
11 the following order of preference shall be observed:

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

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

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

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

24 Sec. 35. *Allotment of Quota.* – The Commissioner shall, with respect to the first
25 preference, allot not more than fifty percent (50%) of the annual quota allotment up
26 to the end of June each year: *Provided, however,* That if the fifty percent (50%)
27 allocation was not utilized by the first preference, the balance thereof shall be given
28 to the second, third, and fourth preferences in accordance with Section 34 of this Act.
29 Any unused quota allotment for a calendar year cannot be carried over and utilized
30 for the ensuing calendar year.

1 Sec. 36. *Basis in Determination of Quota Allotment.* – The nationality of an
2 immigrant whose admission is subject to the numerical limitation imposed by Section
3 34 of this Act shall be that of the country of which the immigrant is a national or a
4 citizen. The nationality of an immigrant possessing dual nationality may be that of
5 either of the two countries regarding him/her as a national or citizen if he/she applies
6 for a visa in a third country. If he/she applies for a visa within one of the two countries
7 regarding him/her as a national or citizen, his/her nationality shall be that of the
8 country in which he/she files his/her application for a visa to enter the Philippines.

9 Sec. 37. *Non-Quota Immigrants.* – The following immigrants, known as “non-
10 quota immigrants”, may be admitted without regard to numerical limitation and
11 immigration reciprocity:

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

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

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

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

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

28 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country
29 and is returning to the Philippines for permanent residence therein, including his/her
30 spouse and minor children accompanying or following to join him/her, except the one

1 unless the same is through no fault of his/her own or for purely technical reasons, (c)
2 a foreign national admitted as a temporary visitor without visa, and (d) transients.

3 CHAPTER 4

4 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

5 Sec. 42. *Documentary Requirements of Non-immigrants.* – Non-immigrants
6 must present for admission into the Philippines valid passports issued by the
7 governments of the countries to which they owe allegiance to or other travel
8 documents showing their nationality and identity as prescribed by regulations and a
9 valid visa granted by the Philippine Consular Officer, if required under existing laws,
10 rules, regulations, or multilateral or bilateral agreements.

11 Sec. 43. *Conditions and Period of Authorized Stay of Temporary Visitors.* – The
12 initial period of authorized stay of a foreign national admitted as a temporary visitor
13 under Section 33 of this Act shall not exceed two (2) months from the date of arrival.
14 Extensions of authorized stay may be granted under terms and conditions as may be
15 prescribed by the Commissioner: *Provided,* That the total period of authorized stay
16 shall not exceed twenty-four (24) months: *Provided, further,* That during the foreign
17 national's authorized stay: (a) he/she shall not take any employment, whether paid or
18 unpaid; (b) he/she shall not establish or join in any business; or (c) he/she shall not
19 enroll and become a student at a school, college, university, academy, or other
20 educational institution, unless he/she is granted, upon proper application, a conversion
21 to another immigration status provided under this Act.

22 Sec. 44. *Conditions for Issuance of Pre-arranged Visas.* – A foreigner who is
23 coming to the Philippines for prearranged employment shall not be issued a non-
24 immigrant visa referred to in Section 33 (g) until the Consular Officer shall have
25 received authorization for the issuance of the same. Such authorization shall be given
26 only upon the filing of a petition with the Board establishing, among others, that no
27 person can be found in the Philippines willing and competent to perform the work or
28 service for which the foreigner is desired and that his/her admission would be
29 beneficial to the public interest. The petition shall be under oath by the prospective
30 employer or his/her representative in the form and manner prescribed by the Board.

1 If the Board finds that the petition complies with the requirements of the
2 preceding paragraph and of other regulations, it shall grant the petition and shall
3 promptly transmit the authorization to the DFA and/or the Consular Office concerned.

4 *Sec. 45. Submission of Crew List and Passenger Manifest to the Commission.* –
5 Simultaneous to the vessel’s departure from the port of origin, the master, captain,
6 agent, owner or consignee of any commercial vessel arriving to the Philippines shall
7 submit to the Commission, within a reasonable time prior to such arrival, the crew
8 lists, passenger manifests and such other information concerning the persons arriving
9 on such a vessel. In the same manner and condition, the master, captain, agent,
10 owner or consignee of any commercial vessel departing from any port in the
11 Philippines shall submit to the Commission, within a reasonable time prior to such
12 departure, the crew list, passenger manifest and such other information concerning
13 the persons departing on such vessel. The crew list of an incoming sea craft shall be
14 duly visaed by the appropriate Consular Officer.

15 *Sec. 46. Inspection of Crew members.* – It shall be the duty of the master,
16 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
17 available on board, for inspection by the Immigration Officer, any foreign crewmember
18 employed on such vessel and to detain such crewmember on board after inspection
19 and to remove such crewmember when required by the immigration authorities. No
20 crewmember on board such vessel shall be discharged while the vessel is in port
21 without the permission of the Commissioner.

22 *Sec. 47. Permission for Temporary Landing of a Foreign Crewmember.* – A
23 foreign crewmember on a vessel arriving in the Philippines may be permitted to land
24 temporarily under such conditions as may be prescribed by the Commissioner. All
25 expenses incurred by the Commission while the crewmember is on land shall be borne
26 by the master, captain, agent, owner or consignee of the carrying vessel.

27 CHAPTER 5
28 REFUGEE STATUS

29 *Sec. 48. Grant of Refugee Status.* – Persons seeking refugee status may apply
30 for recognition as a refugee upon seeking admission at any port of entry or within a

1 reasonable time thereafter. Refugee status shall be granted after a determination by
2 the Board that an applicant meets the qualifications of a refugee as defined in Section
3 3 (z) of this Act. Refugee status shall not be granted to an applicant if he/she:

4 (a) has committed a crime against peace, a war crime, crime against humanity
5 or any other crime under international law;

6 (b) has committed a serious non-political crime outside the Philippines prior to
7 his admission as a refugee; or

8 (c) has been guilty of an act contrary to the purposes and principles of the
9 United Nations.

10 *Sec. 49. Cessation of Refugee Status.* – Refugee status granted under the
11 previous section shall cease if a refugee:

12 (a) Voluntarily repatriates himself/herself or has re-established himself/herself
13 in another State;

14 (b) Acquired a new nationality and enjoys the protection of such a State; or

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

20 *Sec. 50. Effect of Grant of Refugee Status to Refugee Dependents.* – A spouse,
21 minor child, and other dependents of a foreigner who is granted a refugee status may,
22 if not otherwise eligible under Section 48, be granted the same status as the refugee
23 to assure family unity or when it is in the public interest.

24 *Sec. 51. Confidentiality of Information.* – In proceedings for the recognition of
25 refugee status, the confidentiality of information shall be respected and no information
26 relating to the refugee shall be shared with the country of origin or country of former
27 habitual residence, directly or indirectly.

28 *Sec. 52. Burden of Proof.* – In proceedings for the recognition of refugee status,
29 the burden of proof lies with the applicant, subject to the principle of non-refoulement.

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

3 *Sec. 57. Requirement of Issuance of Visa.* – Under the conditions and subject
4 to the limitations prescribed in this Act or regulations issued hereunder, the
5 Commissioner may approve the issuance of an immigrant visa upon the
6 recommendation of a Consular Officer in the following manner:

7 (a) An immigrant visa may only be issued to a foreign national who has made
8 a proper application therefor, which shall specify the foreign country, if any, to which
9 the quota the number is assigned, the immigrant’s particular status in such country,
10 the preference to which the foreigner is classified, the date on which the validity of
11 the visa shall expire, and such additional information as may be required.

12 (b) The DFA, through its Consular Office abroad and through the Office of the
13 Visa Director, shall approve the issuance of a non-immigrant visa to a foreign national
14 who has made a proper application therefor in accordance with Section 33 of this Act.

15 All diplomatic visas identified under Section 33 (e) of this Act shall be exclusively
16 issued by the DFA in accordance with the Vienna Convention on Diplomatic Relations.

17 All other non-immigrant visas identified under Section 33 shall be issued by the
18 Consular Officer, when the application is made abroad, or may be issued by the Office
19 of the Visa Director of the DFA, when the application is made in the Philippines for
20 conversion or renewal.

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

24 *Sec. 58. Requirements for Physical and/or Mental Examination Prior to Issuance*
25 *of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign national,
26 the Consular Officer shall require such person to submit to a physical and mental
27 examination in accordance with such regulations as may be prescribed by the
28 Commissioner. In addition, said foreign nationals shall be required to personally plant
29 fifty (50) trees, except when he/she is physically incapable of doing so, in which case,
30 he/she may cause another person to plant the trees.

1 authorized stay is less than one (1) year, he/she shall pay a special return fee,
2 emigration clearance fee and head fee for every departure: *Provided, finally,* That in
3 both cases, if the registered foreign national departs permanently from the Philippines,
4 he/she shall surrender all his/her Philippine immigration documents to the Commission
5 and apply for and be issued an Emigration Clearance Certificate upon payment of the
6 prescribed fees and charges therefor, subject to the following conditions:

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

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

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

13 *Sec. 63. Emigration Clearance.* – Any temporary visitor departing from the
14 Philippines shall, after the expiration of his/her initial authorized stay, apply for
15 emigration clearance with the Commission and pay the prescribed fees and charges
16 therefor.

17 CHAPTER 9

18 PRESIDENTIAL PREROGATIVES

19 *Sec. 64. Presidential Prerogatives.* – Any provision of this Act to the contrary
20 notwithstanding, the President may:

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

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

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

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

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

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

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

10 TITLE IV

11 PROVISIONS RELATING TO ENTRY

12 CHAPTER 1

13 CLASSIFICATION OF PORTS OF ENTRY

14 *Sec. 65. Authority to Classify Ports.* – The Commissioner shall classify and
15 designate, from among the ports of entry established by law for immigration purposes,
16 limited or unlimited ports of entry through which foreigners may be admitted into the
17 Philippines. Only such classes of foreigners as provided under the rules and regulations
18 prescribed by the Commissioner may be admitted at limited ports of entry. The
19 Commissioner may, after due notice to the public, close designated ports of entry in
20 the interest of national security or public safety.

21 CHAPTER 2

22 PROCEDURES ON ARRIVAL

23 *Sec. 66. Inspection by Immigration Officer.* – A foreigner seeking admission or
24 readmission shall present his/her valid passport and visa, if required, to the
25 immigration officer at the port of entry and shall be subject to primary inspection. The
26 decision of the examining Immigration Officer, if favorable to the admission of any
27 foreigner, may be challenged by another Immigration Officer. The final determination
28 of admissibility of such foreigner shall be determined by the Commissioner in case no
29 resolution is reached between the Immigration Officers on the challenged admission.

1 In case of admission, the Immigration Officer shall indicate in the passport the date,
2 the port of entry and the identity of the vessel boarded.

3 *Sec. 67. Detention or Quarantine for Examination.* – For the purpose of
4 determining whether a foreigner arriving at any port in the Philippines belongs to any
5 of the classes excludable under this Act by reason of being afflicted with any of the
6 contagious or communicable disease or mental disorder set forth under Section 78 (a)
7 of this Act or whenever the Commissioner has received information showing that
8 foreigners are coming from a country or a place where any of such diseases are
9 prevalent or widespread, the foreigner shall be detained or quarantined for a
10 reasonable period of time to enable the immigration and medical officers to subject
11 such person to observation and examination.

12 *Sec. 68. Medical Examination Requirement.* – Any arriving foreign national
13 whom the examining Immigration Officer believes to belong under the class of
14 excludable foreign nationals specified in Section 78 (a) herein shall be referred to
15 designated medical officers for physical and mental examination. Such medical officer
16 shall certify his/her findings for the information of the Immigration Officer.

17 *Sec. 69. Arrival Notice Requirements of Vessel.* – The immigration authorities
18 shall be given prior notice of the arrival of any civilian vessel before such vessel comes
19 into any area in the Philippines from any place outside thereof. Such prior notice shall
20 not be required in the case of vessels with scheduled arrivals filed with the Immigration
21 Officer in charge at the international port of entry.

22 If, upon arrival in any area other than the designated port and there is no
23 available Immigration Officer therein, the master, pilot, captain, agent or consignee
24 shall not allow the passengers and crew members to disembark or leave the primary
25 inspection area until the immigration officer shall have conducted the primary
26 inspection formalities.

27 *Sec. 70. Contents of Notice of Arrival.* – The advance notice of arrival required
28 in the preceding section shall specify the following:

- 29 (a) Type of vessel and registration marks;
30 (b) Visaed crewlist;

- 1 (c) Passenger manifest;
2 (d) Port of last departure;
3 (e) International port of intended destination, or other place authorized by the
4 Commissioner;
5 (f) Estimated time of arrival; and
6 (g) Authorized agent or representative at the place of arrival.

7 CHAPTER 3
8 FOREIGN CREWMEMBER

9 Sec. 71. *Conditional Permit to Disembark.* – A foreign crewmember of a vessel
10 under Section 33 (c) of this Act may be granted a conditional permit, in a form
11 prescribed by regulations, to disembark temporarily from the vessel on which he/she
12 arrived while such vessel remains in port under such terms and conditions as may be
13 prescribed by the Commissioner.

14 Sec. 72. *Confiscation and Cancellation of Permit; Deportation from the*
15 *Philippines.* – Upon the determination that the foreigner is not a bona fide
16 crewmember or does not intend to depart on the vessel that brought him, the
17 Commissioner shall cancel and confiscate the conditional permit already issued, take
18 such foreigner into custody, and require the owner, operator, captain, master, pilot,
19 agent or consignee of the vessel on which the foreigner arrived to receive and detain
20 him/her on board. The expenses for his/her removal, including the cost of detention
21 and other expenses incidental thereto, shall be borne by the owner, operator, captain,
22 master, pilot, agent or consignee of such vessel.

23 Sec. 73. *Liability for Overstaying Foreign Crewmen.* – A foreign crewmember
24 who remains in the Philippines in excess of the period allowed in the conditional permit
25 issued to him shall be solidarily liable with the owner, operator, captain, master, pilot,
26 agent or consignee of the vessel to pay the penalties prescribed in Section 126 of this
27 Act.

28 Sec. 74. *Liability for Unauthorized Discharge of Foreign Crewmember.* – It shall
29 be unlawful for any person, including the owner, operator, captain, master, pilot,
30 agent or consignee of any vessel to discharge any foreign crew member employed by

1 a vessel arriving in the Philippines and whilst in port, without first obtaining the prior
2 permission of the Commissioner. Otherwise, such person or owner, operator, captain,
3 master, pilot, agent or consignee of the vessel shall pay the Commission such fines as
4 may be prescribed under this Act. No such vessel shall be granted clearance from any
5 port in the Philippines while such fines remain unpaid or while the validity thereof is
6 being determined: *Provided*, That a clearance may be granted prior to such
7 determination upon deposit of a sum or cash bond sufficient to cover such fines as
8 approved by the Commissioner.

9 *Sec. 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*

10 – The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
11 immediately report, in writing, to the immigration officer all cases of desertion or illegal
12 disembarkation in the Philippines from the vessel, together with a description of such
13 foreigners and any information that shall result in their apprehension.

14 *Sec. 76. Requirement for Submission of List of Newly Employed, Discharged*
15 *and Illegally Landed Foreign Crewmember.* – Prior to the departure of any vessel from
16 the last port in the Philippines destined to any place outside thereof, the owner,
17 operator, captain, master, pilot, agent or consignee thereof shall deliver to the
18 Immigration Officer at that port a list containing: (a) the names of crewmembers who
19 were not employed thereon at the time of the vessel's arrival on such port but will
20 depart thereat on the same vessel; (b) the names of those, if any, who have been
21 discharged; (c) the names of those who have deserted or illegally landed at that port,
22 if any; and (d) such other additional information as the Commissioner deems
23 necessary.

24 *Sec. 77. Liability for Failure to Submit Complete, True and Correct Report.* – In

25 case the owner, operator, captain, master, pilot, agent, or consignee, fails to submit
26 a true and complete list or report of foreigners, or to report cases of desertion or illegal
27 landing, he/she shall pay to the Commission such sum as may be prescribed under
28 this Act. No such vessel shall be granted clearance from any port in the Philippines
29 while such fines remain unpaid or while the validity thereof is being determined:
30 *Provided*, That clearance may be granted prior to such determination upon deposit of
31 a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

1 CHAPTER 4
2 EXCLUSIONS

3 Sec. 78. *Exclusion Grounds.* - The following classes of foreign nationals shall
4 not be allowed entry and shall be excluded from the Philippines:

5 (a) Health Related Grounds

6 (1) Those who are found to be suffering from a communicable,
7 dangerous or contagious disease;

8 (2) Those who are found to be suffering from mental disorder or
9 associated behavior that may pose threat to persons or danger to property;

10 (3) Those who are found to be suffering from addiction to prohibited or
11 regulated substance;

12 (b) Economic Grounds

13 (1) Those likely to become a public charge;

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

17 (c) Moral Grounds

18 (1) Those coming to the Philippines to practice polygamy or who
19 advocate the practice of polygamy unless his/her religion allows such practices;

20 (2) Those who are pedophiles, sexual perverts or those coming to the
21 Philippines for immoral purposes;

22 (3) Those who are engaged or who seek to engage in prostitution or to
23 procure or attempt to procure prostitutes, or who receives in whole or in part
24 the proceeds of prostitution;

25 (4) Those who, at the time of primary inspection, by the Immigration
26 Officer exhibit any obnoxious behavior, contempt or disrespect for the said
27 officer or any government official or Commission;

28 (d) Criminal and Security Grounds

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

1 (2) Those who have been convicted, or who admit having committed, or
2 are 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 relating
4 to a controlled, regulated or prohibited substance, or who attempt or conspire
5 to commit the crime;

6 (3) Those that the Philippine Government knows or has reason to believe
7 is a 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 co-
9 conspirator in the illicit trafficking of any controlled, regulated or prohibited
10 substance;

11 (4) Those who are fugitives from justice;

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

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

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

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

19 (iv) Any other unlawful activity.

20 (6) Those who are engaged or believed to be engaged or likely to engage
21 in, 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
24 foreign, as having engaged or are engaging in human trafficking and
25 smuggling;

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

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

1 *Sec. 78-A. Minor Persons/ Minority.* – Persons under fifteen (15) years of age,
2 and not accompanied by or not coming to a parent, may be admitted: *Provided,* That
3 the written consent of either parent allowing them to travel is presented. The written
4 consent must cite the purpose of the travel and must be affirmed by the Philippine
5 Consular post in the minor’s country of origin.

6 *Sec. 79. Temporary Detention of Excludable Foreigners.* – For the purpose of
7 ascertaining whether a foreigner arriving in the Philippines belongs to any of the
8 excludable classes of foreigners provided for in this Act or related laws, the
9 Immigration Officer, for a period not exceeding seventy-two (72) hours, may
10 temporarily detain for investigation such foreigner either on board the vessel or at a
11 place designated for the purpose at the expense of the master, captain, agent, owner
12 or consignee of the carrying vessel.

13 *Sec. 80. Finality of Exclusion Order.* – An order by the Immigration Officer to
14 exclude a foreign national who is excludable under Section 78 of this Act is final and
15 executory unless revoked by the Commissioner upon a timely appeal prior to the
16 implementation of the exclusion order.

17 *Sec. 81. Authority to Waive Grounds for Exclusion.* – Except for grounds of
18 exclusion under Section 78 (d), subparagraphs 1 to 8 and subparagraph 9, the
19 Commissioner may waive any of the grounds for exclusion mentioned therein.

20 *Sec. 82. Procedure of Removal and Cost Thereof.* – Any foreign national arriving
21 in the Philippines who is ordered excluded shall be immediately removed in the same
22 accommodation to the country where he/she boarded the vessel on which he/she
23 arrived, unless the Commissioner determines that immediate removal is not proper
24 and practicable. The cost of detention and other expenses incidental thereto shall be
25 borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel
26 on which he/she arrived.

27 *Sec. 83. Country Where Removal is to be Directed.* – If the government of the
28 country designated in the preceding section will not accept the foreign national into
29 its territory, his/her removal shall be directed by the Commissioner in his/her discretion
30 and without necessarily giving preference, either to:

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

6 Sec. 84. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or*
7 *Consignee.* – It shall be unlawful for an owner, operator, master, captain, pilot, agent,
8 or consignee of a vessel to refuse or fail to:

- 9 (a) Board a foreigner ordered excluded and removed under Section 78 of this
- 10 Act in the same vessel or another vessel owned or operated by the same company;
- 11 (b) Detain a foreign national on board any such vessel at the port of arrival
- 12 when required by this Act or when so ordered by an Immigration Officer;
- 13 (c) Deliver a foreign national for medical or other examinations when so
- 14 ordered by such officer;
- 15 (d) Remove a foreign national from the Philippines to the country to which
- 16 his/her removal has been directed; or
- 17 (e) Pay the cost of detention and other expenses incidental thereto of a foreign
- 18 national incurred while being detained as required by Section 82 of this Act or other
- 19 costs necessary or incidental to his removal as provided in this Act.

20 Sec. 85. *Penalty for Non-compliance of Obligation.* – The owner, operator,
21 master, captain, pilot, agent, or consignee of a vessel who violated Section 84 of this
22 Act shall pay the fines prescribed under this Act. No such vessel shall be granted
23 clearance from any port in the Philippines while such fines remain unpaid or while the
24 validity thereof is being determined: *Provided,* That clearance may be granted prior to
25 such determination upon deposit of a sum or cash bond sufficient to cover such fines
26 as approved by the Commissioner.

27 TITLE V
28 DEPORTATION
29 CHAPTER 1
30 DEPORTABLE FOREIGN NATIONALS

1 Sec. 86. Classes of Deportable Foreigners. – The following foreigners shall be
2 arrested upon the order of the Commissioner and deported upon recommendation by
3 the Board of Special Inquiry and approval by the Board:

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

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

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

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

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

16 (f) Those who believe in, advise, advocate or teach the overthrowing by force
17 and violence of the Government of the Republic of the Philippines, or duly constituted
18 authority, or those who do not believe in or are opposed to organized governments,
19 or those who advise, advocate or teach the assault or assassination of public officials
20 by reason of their office, or those who advise, advocate or teach the unlawful
21 destruction of property, or those who are members of or affiliated with any
22 organization entertaining, advocating or teaching such doctrines, or those who in any
23 manner whatsoever extend assistance, financial or otherwise, in the dissemination of
24 such doctrines;

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

27 (h) Those who commit any violation of the provisions of this Act, independent
28 of any criminal action which may be brought against them: Provided, however, That
29 in the case of a foreigner who, for any reason, is convicted and sentenced to suffer
30 both imprisonment and deportation, said foreigner shall first serve the entire period
31 of his/her sentence before being deported: Provided, further, That the penalty of
32 imprisonment may be waived by the President upon payment by the foreigner

1 concerned of such costs, fines and/or damages, if any, awarded to the government or
2 any aggrieved party;

3 (i) Those who, at any time after entry, are engaged in acts or omissions
4 punishable under Philippine penal laws cognizable by the Regional Trial Courts and
5 the Sandiganbayan;

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

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

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

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

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

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

21 (p) Those who forge, counterfeit, alter or falsely make any document; or use,
22 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,
23 altered or falsely made document; or use, attempt to use, provide, attempt to provide,
24 accept or receive a genuine document, even of another person, without authority to
25 do so for the purpose of satisfying or complying with the requirements for his/her stay
26 in the Philippines; and

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

30 *Sec. 87. Non-Prescription of Deportation Cases.* – The right of the State to
31 initiate at any time deportation proceedings shall not prescribe: Provided, That no

1 deportation proceedings and orders shall be had against foreigners facing preliminary
2 investigation, prosecution and trial before competent authorities.

3 CHAPTER 2

4 DETENTION AND DEPORTATION OF FOREIGN NATIONALS

5 Sec. 88. *Issuance of Summons.* – If the Commissioner determines that there
6 exists a reasonable ground to deport a foreigner pursuant to Section 86 of this Act,
7 he/she may issue summons requiring the foreigner to appear in person before the
8 designated investigating officer at the time, date and place stated therein.

9 Sec. 89. *Authority to Issue Letter Order.* – The Commissioner may issue a letter
10 order for the detention of a foreigner if he/she determines that a probable cause exists
11 for the filing of deportation charges against a foreigner for violation of immigration
12 and other related laws, rules and regulations or there is a strong probability that a
13 deportable foreigner may flee from his/her place of abode, go into hiding or
14 surreptitiously leave the country.

15 Sec. 90. *Formal Charge of Deportation.* – A formal charge for deportation shall
16 be issued upon determination of the existence of a prima facie case against the
17 foreigner. Pending final determination of his/her deportation case, the foreigner shall,
18 upon the discretion of the Commissioner: (a) remain under detention; or (b) be
19 released on bail or recognizance. The bail may be revoked and confiscated in favor of
20 the government if there is sufficient evidence that the foreigner is evading the
21 proceedings or is attempting to abscond, in which case he/she shall be taken into
22 custody and placed under detention by order of the Commissioner.

23 Sec. 91. *Detention of a Foreigner Convicted of a Felony or an Offense.* – After
24 service of his/her sentence or compliance with the conditions of his/her parole or
25 probation, as the case may be, the foreigner shall be taken into custody and placed
26 under detention by order of the Commissioner. Pending final determination of the
27 deportation case, the foreigner may be ordered released under such terms and
28 conditions prescribed by the Commissioner.

29 Sec. 92. *Voluntary Deportation, When Authorized.* – In case the foreigner does
30 not contest the formal charge against him/her and opts to voluntarily leave the country

1 at his/her own expense, the Commissioner may waive the deportation proceedings
2 and order the departure within the period specified in the voluntary deportation order,
3 except in cases of violations of laws such as Republic Act No. 8042 otherwise known
4 as the "Migrant Workers and Overseas Filipinos Act of 1995": *Provided*, That he/she
5 has not committed any criminal offense or has no pending case in court: *Provided*,
6 *further*, That the said foreigner so deported shall be barred from re-entering the
7 country without prior written authorization from the Commissioner.

8 *Sec. 93. Contents of an Order or Warrant of Deportation.* – The order or warrant
9 of deportation shall be in the form prescribed by the Commissioner and shall state the
10 grounds therefor, the specific place where the foreigner is to be deported and the
11 period within which to execute such order.

12 *Sec. 94. Period to Enforce Order of Deportation.* – The order of deportation
13 shall be enforced immediately but in no case shall exceed three (3) months from the
14 date it has become final and executory. If deportation is not enforced within the
15 prescribed period for reasons beyond the control of the Commissioner, the foreigner
16 shall remain in custody.

17 *Sec. 95. Suspension of Deportation Order.* – Upon application and payment of
18 the prescribed fees by the concerned foreigner, the Commissioner may suspend the
19 implementation of the deportation order and order his/her release for good cause,
20 taking into account the following factors:

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

27 *Sec. 96. Reinstatement of a Deportation Order.* – A deportation order
28 previously implemented against a foreigner who unlawfully re-entered the Philippines
29 shall be deemed automatically reinstated and shall be implemented in accordance with

1 this Act. This provision shall also apply to a foreigner who departed voluntarily under
2 Section 92 of this Act.

3 *Sec. 97. Country of Destination of a Deportee.* – Except as provided for under
4 existing treaty or international agreement, a foreigner shall be deported to the country
5 of which he/she is a citizen or national, or to the country of his/her birth, or to the
6 country of which he/she is a resident, or to the country from which he/she embarked
7 for the Philippines, subject to the acceptance by the receiving country.

8 *Sec. 98. Existence of Danger in the Country Where a Foreigner is to be*
9 *Deported.* – No foreigner shall be deported to a country where there exists a danger
10 to his/her life or freedom on account of race, religion, nationality, political opinion or
11 membership in a particular political or social group, except in the following
12 circumstances:

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

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

18 (c) The foreigner committed a serious non-political crime in the country where
19 he/she is to be deported; or

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

22 *Sec. 99. Cost of Deportation.* – The cost of deportation shall be borne by the
23 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its
24 foreign crew member is to be deported for violation of Section 100 of this Act. In all
25 other cases, the cost of deportation shall be borne by the deportee himself/herself,
26 the concerned consular office, nongovernment organizations or people's organizations
27 with which the Commission has an agreement on this matter, or from the
28 appropriations for the enforcement of this Act.

29 *Sec. 100. Liability of Owner, Operator, Captain, Master, Pilot, Agent or*
30 *Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator, captain,

1 certificate of registration shall be issued by the Commission to the registrant. In case
2 of loss or destruction of the certificate, a replacement thereof may be issued by the
3 Commission upon proper application and payment of prescribed fees.

4 Sec. 105. *Amendment of Registration.* – A registered foreign national shall
5 notify the Commission in writing of any change of information in his/her registration
6 documents not later than seven (7) days thereof.

7 Sec. 106. *Presentation of Certificate of Registration.* – Every foreigner required
8 to register under this Act or the parent or guardian of such foreigner shall, upon
9 demand of any authorized immigration official, present his/her certificate of
10 registration, and failure to do so without justifiable cause shall be dealt with in
11 accordance with the provisions of this Act.

12 Sec. 107. *Reportorial Requirements.* – Every foreigner registered under this Act
13 shall, within the first sixty (60) days of every calendar year, report in person to the
14 Commission subject to the payment of prescribed fees. The parent or legal guardian
15 of foreigners below fourteen (14) years of age shall have the duty to comply with the
16 requirements prescribed under this Act.

17 Sec. 108. *Failure to Comply with Requirements.* – A foreigner, or his/her parent
18 or guardian, as the case may be, who, without justifiable reason, fails to comply with
19 all the requirements under this Act, or who files an application for registration
20 containing statements known by him/her to be false, or who utilizes registration
21 documents other than his/her own, shall be dealt with in accordance with the
22 provisions of this Act and other existing laws.

23 Sec. 109. *Cancellation of Registration of Foreign National.* – In case of death of
24 a foreigner registered under the provisions of this Act, his/her legal heir,
25 representative or administrator must inform the Commission within sixty (60) days
26 from death and the Commission shall cancel such registration. The Local Civil Registrar
27 or other civil registry officer of the locality where said foreigner died shall furnish the
28 Commission with a copy of the Certificate of Death within thirty (30) days from
29 issuance thereof. Failure on the part of the persons concerned to comply with the
30 requirements of this section shall be dealt with pursuant to the provisions of this Act.

1 CHAPTER 2

2 BONDS AND DEPOSITS

3 Sec. 110. *Bonds, When Required.* – The Commission shall have the authority
4 to require cash bonds in such amounts and under such conditions as it may prescribe:

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

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

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

11 Sec. 111. *Requirement of Cash Deposits for Overtime Services.* – The
12 Commission shall have the authority to require cash deposits in such amounts as may
13 be necessary from vessel’s owner, operator, captain, master, pilot, agent, or consignee
14 or other persons served to cover payments for overtime services to be performed by
15 officers and employees of the Commission.

16 Sec. 112. *Cancellation and Forfeiture of Bonds.* – When the conditions of the
17 bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming
18 a public charge, when the Commissioner decides that the likelihood no longer exists,
19 or death of the foreigner in whose behalf the bond is posted, the bond shall be
20 cancelled and released to the depositor or his/her legal representative. In case of
21 violation of the conditions of the bond, the same shall be forfeited and deposited in a
22 trust fund account which may be utilized for the purchase of passage tickets of
23 indigent deportees and to cover the costs of operations in the arrest of a deportee
24 who jumps bail.

25 CHAPTER 3

26 RECOGNIZANCE

27 Sec. 113. *Petitions for Recognizance, Sanction for Breach of Conditions.* – The
28 Commissioner may order the release of a foreigner upon recognizance of his/her
29 lawyer or a person who is of good standing in the community, under such terms and
30 conditions as he/she may prescribe. Failure to comply with the terms and conditions

1 of the recognizance shall subject said lawyer or person to a fine of not less than Fifty
2 thousand pesos (P50,000.00) but not more than One hundred thousand pesos
3 (P100,000.00), without prejudice to other administrative sanctions and/or proceedings
4 against the erring party.

5 CHAPTER 4

6 COOPERATION AND COORDINATION WITH OTHER OFFICES

7 Sec. 114. *Working Cooperation with the Department of Foreign Affairs.* – For
8 purposes of efficient implementation and administration of this Act, the Commission
9 shall maintain a working cooperation with the DFA.

10 Sec. 115. *Working Cooperation with the Commission on Higher Education.* –
11 The Commission shall maintain a working cooperation with CHED with respect to
12 accreditation of schools and learning centers for enrolment of foreign students as
13 authorized under this Act.

14 Sec. 116. *Coordination with Law Enforcement, Security and Other Offices.* –
15 The Commissioner shall have authority to maintain coordination with the National
16 Security Council, the Philippine National Police, and other law enforcement agencies
17 of the government.

18 CHAPTER 5

19 FEES AND CHARGES

20 Sec. 117. *Authority of the Commissioner to Prescribe, Impose and Collect Fees*
21 *and Charges.* – The Commissioner is authorized to prescribe, impose and collect fees
22 and charges for services rendered pursuant to the provisions of this Act, which shall
23 take effect fifteen (15) days after the last publication thereof for two (2) consecutive
24 weeks in a newspaper of general circulation.

25 Sec. 118. *Head Fee.* – Every foreign national who is at least fourteen (14) years
26 of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days
27 shall pay a head fee in an amount to be fixed by the Board.

1 CHAPTER 6

2 ADMINISTRATIVE FINES AGAINST VESSELS

3 Sec. 119. *Fine for Failure to Submit Crew List or Passenger Manifest, or Failure*
4 *to Account Every Passenger and Crew.* – Any pilot, master, agent, owner or consignee
5 of a vessel arriving at any port in the Philippines from a place outside thereof who fails
6 to submit to the immigration authorities a complete and accurate crew list or
7 passenger manifest, or fails to produce or account every crewmember or passenger
8 whose name appears in said list or manifest shall be subject to fines of One hundred
9 thousand pesos (P100,000.00) and Fifty thousand pesos (P50,000.00) for each
10 unaccounted person, respectively.

11 Sec. 120. *Fine for Violation of Obligation on the Landing or Removal of*
12 *Foreigners.* – A pilot, master, agent, owner or consignee of any vessel arriving at a
13 port of the Philippines from a place outside thereof in violation of this Act shall be
14 fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred
15 thousand pesos (P200,000.00) for each violation.

16 Sec. 121. *Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with*
17 *Communicable or Contagious Disease, or Suffering from Mental Disorder.* – The pilot,
18 master, agent, owner or consignee of the vessel arriving at a port in the Philippines
19 from a place outside thereof bringing on board an undocumented foreigner shall be
20 fined One hundred thousand pesos (P100,000.00) for each foreigner. If the foreigner
21 is afflicted with a communicable or contagious disease or is suffering from mental
22 disorder, the fine shall be not less than Two hundred thousand pesos (P200,000.00)
23 but not more than Three hundred thousand pesos (P300,000.00) for each foreigner.

24 Sec. 122. *Fine for Bringing a Foreigner to Assist His Illegal Entry or*
25 *Misrepresenting a Foreigner as a Member of the Crew.* – The pilot, master, agent,
26 owner or consignee of the vessel arriving at any port in the Philippines from a place
27 outside thereof bringing on board a foreigner bound for the Philippines to assist his/her
28 illegal entry, or misrepresenting the foreigner to the immigration officer at the port of
29 arrival as a bona fide member of the crew, shall be fined not less than One hundred

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

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

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

22 *Sec. 125. Penalty for Non-compliance of Subpoena.* – Any person who, having
23 been duly served with a subpoena, fails to comply without valid and justifiable reasons
24 shall, upon conviction, suffer the penalty of imprisonment of not more than fifteen
25 (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at the
26 discretion of the court.

27 *Sec. 126. Penalty for an Overstaying Crewmember.* – Any foreign crewmember
28 who willfully remains in the Philippines beyond the period allowed him/her for
29 temporary landing shall, upon conviction, suffer the penalty of imprisonment of six (6)

1 Sec. 136. *Separability Clause.* – If any of the provisions of this Act is held invalid
2 or unconstitutional the other provisions not affected thereby shall continue to be in
3 force and effect.

4 Sec. 137. *Repealing Clauses.* – (a) Commonwealth Act No. 613, otherwise
5 known as the Philippine Immigration Act of 1940, as amended, is hereby repealed;
6 (b) All laws, presidential decrees, executive orders, proclamations, memorandum
7 orders, instructions, rules and regulations or parts thereof inconsistent with this Act
8 are hereby amended or modified accordingly.

9 Sec. 138. *Effectivity.* – This Act shall take effect fifteen (15) days after its
10 complete publication in the *Official Gazette* or in two (2) newspapers of general
11 circulation.

Approved,