

## **Commonwealth Act No. 613**

The Philippine Immigration Act of 1940

**Section 1.** This Act shall be known as "**The Philippine Immigration Act of 1940.**"

### **BUREAU OF IMMIGRATION**

**Sec. 2. Officials.** - A Bureau of Immigration [now Commission on Immigration and Deportation] is established under a Commissioner of Immigration, who shall have two assistants, a First Deputy Commissioner of Immigration [now Associate Commissioner of Immigration] and a Second Deputy Commissioner of Immigration [now Associate Commissioner of Immigration]. For administrative purposes, the Bureau of Immigration [now Commission on Immigration and Deportation] shall be under the supervision and control of the Department of Labor [now Department of Justice] or of any other executive department which the President may subsequently determine.

### **COMMISSIONER OF IMMIGRATION**

**Sec. 3. Appointment; term of office; compensation.** - The Commissioner of Immigration shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and shall hold office at the pleasure of the President. He shall receive compensation at the rate of ten thousand pesos per annum.

Administrative head powers as such. - He shall be the administrative head of the Bureau of Immigration and shall possess the powers generally conferred upon bureau chiefs. He shall have charge of the administration of all laws relating to the immigration of aliens into the Philippines and shall have the immediate control, direction and supervision of all officers, clerks, and employees of the Bureau of Immigration. He shall issue, subject to the approval of the Department Head, such rules and regulations and prescribe such forms of bond, reports, and other papers, and shall issue from time to time such instructions not inconsistent with law, as he shall deem best calculated to carry out the provisions of the immigration laws. He shall

submit a report to the President, in writing, of the transactions of his office, annually or oftener as the President may require.

## **DEPUTY COMMISSIONERS OF IMMIGRATION**

**Sec. 4. (a) Appointment; term of office; compensation.** - The two Deputy Commissioners shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and they shall hold office at the pleasure of the President. The First Deputy Commissioner shall receive compensation at the rate of nine thousand pesos per annum and the Second Deputy Commissioner shall receive compensation at the rate of eight thousand four hundred pesos per annum. During the absence or disability of the Commissioner, the First Deputy Commissioner shall act as Commissioner, and during the absence or disability of both the Commissioner and the First Deputy Commissioner, the Second Deputy Commissioner shall act as Commissioner, and the Deputy Commissioner who shall so act as Commissioner, shall perform the duties of the latter in addition to his own duties.

(b) No person shall be appointed Commissioner or Deputy Commissioner unless he be a natural-born citizen of the Philippines and is at least thirty years of age.

## **IMMIGRANT INSPECTORS**

**Sec. 5. (a)** The position of Immigrant Inspector is created, appointments to which shall be made upon the recommendation of the Commissioner of Immigration in accordance with the Civil Service Laws.

(b) Whenever he shall deem it necessary, the Commissioner of Immigration may appoint, with the consent of the proper Department Head, any qualified employee of the Government to serve as Acting Immigrant Inspector. Acting Immigrant Inspectors shall have the same powers and authority as Immigrant Inspectors.

**Sec. 6. Powers of Immigration Officer.** - The examination of aliens concerning their right to enter or remain in the Philippines shall be performed by Immigrant Inspectors with the advice of medical authorities in

appropriate cases. Immigrant Inspectors are authorized to exclude any alien not properly documented as required by this Act, admit any alien complying with the applicable provisions of the immigration laws and to enforce the immigration laws and regulations prescribed thereunder. Immigrant Inspectors are also empowered to administer oaths, to take and consider evidence concerning the right of any alien to enter or reside in the Philippines, and to go aboard and search for aliens on any vessel or other conveyance in which they believe aliens are being brought into the Philippines. Immigrant Inspectors shall have the power to arrest, without warrant, any alien who in their presence or view is entering or is still in the course of entering the Philippines in violation of immigration laws or regulations prescribed thereunder.

### **OTHER EMPLOYEES**

**Sec. 7. Appointment and Salary.** - All other employees of the Bureau of Immigration except as otherwise provided in this Act, shall be appointed by the Head of Department, upon the recommendation of the Commissioner of Immigration, in accordance with civil service rules and regulations, and they shall receive such salaries as may be assigned to them conformably to the provisions of Commonwealth Act Numbered Four hundred and two.

### **ASSIGNMENT OF IMMIGRATION EMPLOYEES TO OVERTIME. WORK**

**Sec. 7 - A.** Immigration employees may be assigned by the Commissioner of Immigration to do overtime work at rates fixed by him when the service rendered is to be paid for by shipping companies and airlines or other persons served.

### **BOARD OF COMMISSIONERS**

**Sec. 8. Decision of the Board.** - The board of Commissioners, hereinafter referred to in this Act, shall be composed of the Commissioner of Immigration and the two Deputy Commissioners. In the absence of a member of the Board, the Department Head shall designate an officer or employee in the Bureau of Immigration to serve as a member thereof. In any case coming before the Board of Commissioners, the decision of any two members shall prevail.

## **NONIMMIGRANTS**

**Sec. 9.** Aliens departing from any place outside the Philippines, who are otherwise admissible and who qualify within one of the following categories, may be admitted as nonimmigrants:

- (a) A temporary visitor coming for business or for pleasure or for reasons of health;
- (b) A person in transit to a destination outside the Philippines;
- (c) A seaman serving as such on a vessel arriving at a port of the Philippines and seeking to enter temporarily and solely in the pursuit of his calling as a seaman;
- (d) Alien businessman. - An alien entitled to enter the Philippines under and in pursuance of the provisions of a treaty of commerce and navigation:
  - (1) solely to carry on substantial trade principally between the Philippines and the foreign state of which he is a national; or
  - (2) solely to develop and direct the operations of an enterprise in which, in accordance with the Constitution and the laws of the Philippines he has invested or of an enterprise in which he is actively in the process of investing, a substantial amount of capital; and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him, subject to the condition that citizens of the Philippines are accorded like privileges in the foreign state of which such alien is a national;
- (e) An accredited official of a foreign government recognized by the Government of the Philippines, his family, attendants, servants, and employees;
- (f) Higher than high school. - A student, having means sufficient for his education and support in the Philippines, who is at least eighteen years of age and who seeks to enter the Philippines temporarily and solely for the purpose of taking up a course of study higher than high school

at a university, seminary, academy, college or school approved for such alien students by the Commissioner of Immigration;

(g) Prearranged employment. - An alien coming to prearranged employment for whom the issuance of a visa has been authorized in accordance with section twenty of this Act, and his wife, and his unmarried children under twenty-one years of age, if accompanying him or if following to join him within a period of six months from the date of his admission into the Philippines as a nonimmigrant under this paragraph. An alien who is admitted as a nonimmigrant cannot remain in the Philippines permanently. To obtain permanent admission, a nonimmigrant alien must depart voluntarily to some foreign country and procure from the appropriate Philippine consul the proper visa and thereafter undergo examination by the officers of the Bureau of Immigration at a Philippine port of entry for determination of his admissibility in accordance with the requirements.

## **DOCUMENTATION OF NONIMMIGRANTS**

**Sec. 10. Presentation of unexpired passport.** - Nonimmigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid passport visas granted by diplomatic or consular officers, except that such documents shall not be required of the following aliens:

(a) A child qualifying as a nonimmigrant, born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired; and

(b) A seaman qualifying as such under Section 9 (c) of this Act.

**Sec. 11.** The form and manner of applying for a passport visa and the form and validity of such passport visa shall be established by regulations.

**Sec. 12.** A passport visa shall not be granted to an applicant who fails to establish satisfactorily his nonimmigrants status or whose entry into the Philippines would be contrary to the public safety.

## **IMMIGRANTS**

**Sec. 13.** Under the conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed "quota immigrants" not in excess of fifty (50) of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed "non-quota immigrants," may be admitted without regard to such numerical limitations.

The corresponding Philippine Consular representative abroad shall investigate and certify the eligibility of a quota immigrant previous to his admission into the Philippines. Qualified and desirable aliens who are in the Philippines under temporary stay may be admitted within the quota, subject to the provisions of the last paragraph of Section 9 of this Act.

(a) The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen;

(b) A child of alien parents born during the temporary visit abroad of the mother, the mother having been previously lawfully admitted into the Philippines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission within five years from the date of its birth;

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

(d) A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her;

(e) A person previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines;

(f) A natural-born citizen of the Philippines, who has been naturalized in a foreign country, and is returning to the Philippines for permanent

residence, including his spouse and minor unmarried children, shall be considered a non-quota immigrant for purposes of entering the Philippines.

**Sec. 14. Persons with dual nationality** - The nationality of an immigrant whose admission is subject to the numerical limitations imposed by Section Thirteen of this Act shall be that of the country of which the immigrant is a citizen or subject, self-governing dominions being treated as separate countries. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a citizen or subject if he applies for a visa in a third country, but if he applies for such visa within one of the two countries regarding him as a national, his nationality shall be that of the country in which he shall file his application.

### **DOCUMENTATION OF IMMIGRANTS**

**Sec. 15. Presentation of unexpired passport; in the case of the children.** - Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa or a reentry permit in case of children born abroad during the temporary visit abroad of their mothers as provided for in paragraph (c) of Section Thirteen of this Act, the immigration visa or reentry permit not having expired, and returning residents as referred to in Section Thirteen (f) hereof, present unexpired reentry permits as provided for in Section twenty-two of this Act, shall not be subject to these documentary requirements. No child shall, however, be exempt from these documentary requirements unless the alleged mother shall have proved her state of pregnancy before the consular officers in the case of children born subsequent to the issuance of a valid immigration visa, or before the immigration authority prior to her departure from the Philippines in the case of children born abroad of mothers with valid reentry permits: Provided, however, That in the latter case should the mother become pregnant after her departure from the Philippines the fact of her pregnancy shall be proved before the consul officers who shall issue the appropriate certification for presentation to the immigration authorities upon her return to the Philippines.

**Sec. 16.** The form and manner of applying for an immigration visa and the form and validity of such immigration visa shall be established by regulations.

**Sec. 17.** No immigration visa shall be issued to an immigrant if the consular officer knows from statements in the application therefor or from the papers submitted therewith or otherwise has reason to believe that the immigrant is inadmissible into the Philippines under the immigration laws.

### **IMMIGRATION VISAS FOR QUOTA IMMIGRANTS**

**Sec. 18.** An immigration visa shall not be issued by a consular officer to an immigrant whose admission into the Philippines is subject to the numerical limitations imposed by Section Thirteen of this Act until the consular officer shall have received from the Commissioner of Immigration the allotment of a quota number to be placed upon the visa for the immigrant.

**Sec. 19. Preference in allotment of quota numbers.** - In allotting quota numbers, the Commissioner of immigration shall accord preference to immigrants who are the fathers and mothers of Philippine citizens who are twenty-one years of age or over, and the wives, husbands, and unmarried children under of twenty-one years of age, of aliens lawfully admitted into the Philippines for permanent residence and residing therein. Such preference shall be accorded only upon petition made therefor under regulations prescribed by the Commissioner.

### **IMMIGRATION VISAS FOR NON-QUOTA IMMIGRANTS**

**Sec. 20.** In case of prearranged employment.

A passport visa for a nonimmigrant referred to in Section Nine (g) of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the nonimmigrant is desired and that the nonimmigrant's



admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his representative.

**Filing of petition under oath.** - The petition shall state fully the nature of the labor or service for which the nonimmigrant is desired, the probable length of time for which he is to be engaged, the wages and other compensation which he is to receive, the reasons why a person in the Philippines cannot be engaged to perform the labor or service for which the nonimmigrant is desired and why the nonimmigrant's admission would be beneficial to the public interest.

**Accompanying documents.** - The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of all the allegations made in the petition shall be required and the allegations that no person can be found in the Philippines willing and competent to perform the labor or service for which the nonimmigrant is desired and that the nonimmigrant's admission would be beneficial to the public interest shall be established beyond doubt by convincing and satisfactory evidence. The title "Immigration Visas for Non-quota Immigrant" shall be understood to refer only to section twenty-one of the same Act.

(b) Approval of petition. - If the Board of Commissioners finds that the petition complies with the requirements of the preceding paragraph and that the petitioner has established the facts entitling him to the authorization, the Board shall grant the petition and the Commissioner shall so inform the petitioner and promptly transmit authorization to the consular office at which the immigrant is to apply for a visa. Such an immigrant, upon receiving a visa and applying for admission into the Philippines, shall be exempt from the provisions of paragraph fourteen of section twenty-nine (a) of this Act excluding aliens coming to perform unskilled manual labor in pursuance of a promise or offer of employment.

**Sec. 21.** Non-quota immigration visas may be issued by the consular officers to other immigrants claiming non-quota status upon the receipt of satisfactory proof that they are entitled to such status.

## **REENTRY PERMITS**

**Sec. 22. Filing of application; issuance of permit.** - Any lawful resident alien about to depart temporarily from the Philippines who desires a reentry permit may apply to the Commissioner of Immigration for such permit. If the Commissioner finds that the applicant has been lawfully admitted into the Philippines for permanent residence, he shall issue the permit which shall be valid for a period not exceeding one year except that upon application for extension and good cause therefor being shown by the applicant, it may be extended by the Commissioner for additional periods not exceeding one year each. The Commissioner shall prescribe the form of permit. Applications for the issuance or extension of permits shall be made under oath and in such form and manner as the Commissioner shall by regulations prescribe.

The permit, upon approval of the Commissioner of Immigration, may be made good for several trips within the period of one year: Provided however, That the holder thereof shall be required to pay the fee required under Section Forty-Two (a) (3) of this Act for every trip he makes.

## **EMIGRATION CLEARANCE CERTIFICATE**

**Sec. 22 - A. Issuance of certificate.** - Any alien about to depart from the Philippines temporarily or for permanent residence abroad shall, before leaving the country, apply to the Commissioner of Immigration for a clearance certificate. If the Commissioner finds that the applicant has no pending obligation with the Government, its instrumentalities, agencies and subdivisions, and that there is no pending, criminal, civil or administrative action which, by law requires his presence, in the Philippines, the Commissioner shall issue the certificate upon surrender of the alien or all other certificates previously issued to him by the Bureau of Immigration showing his admission and/or residence in the Philippines.

## **CANCELLATION OF ENTRANCE DOCUMENTS FOR FRAUD**

**Sec. 23.** An immigration visa, or a passport visa, or a Reentry Permit, obtained by fraud or willful misrepresentation of fact shall be subject to cancellation by the issuing officer or by the Board of Commissioners.

## **PORTS OF ENTRY**

**Sec. 24. Selected from customs ports of entry.** - The Commissioner of Immigration shall designate ports, from among the ports of entry designated by law, as ports of entry for customs purposes, at which aliens may enter the Philippines. Such ports shall be designated by the Commissioner as unlimited or ports of limited ports of entry. At limited ports of entry only such classes of aliens may enter as may be permitted by the Commissioner under regulations prescribed by him. He shall also have power to close ports so designated whenever he should deem it to be advisable in the public interest and upon sufficient notice to the public.

## **DETENTION OF ARRIVING ALIENS**

**Sec. 25. Period of detention of aliens.** - For the purpose of determining whether aliens arriving in the Philippines belong to any of the classes excluded by the immigration laws, the Period examining immigration officers may order such aliens detained on board the vessel bringing them or in such other place as the officers may designate, such detention to be for a sufficient length of time to enable the officers to determine whether they belong to an excluded class and their removal to such other place to be at the expense of the vessel bringing them.

## **BOARDS OF SPECIAL INQUIRY**

**Sec. 26.** Every alien who may not appear to the examining immigration officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

**Sec. 27. (a) Composition.** - Every board of special inquiry shall be composed of a Chairman and two members, who shall be appointed by the President of the Philippines alone and shall be removable at his pleasure. The Commissioner of Immigration may assign to such officers duties and functions in addition to those pertaining to them by reason of their membership in the board. At ports where it is not convenient or necessary to organize permanent boards of special inquiry, the resident may designate

any other employee of the Government to serve as a member of the board of special inquiry which might be organized therein from time to time.

(b) Board powers. - A board of special inquiry shall have authority:

(1) to determine whether an alien seeking to enter or land in the Philippines shall be allowed to enter or land or shall be excluded; and

(2) to make its findings and recommendations in all the cases provided for in section twenty-nine of this Act wherein the Commissioner of Immigration may admit an alien who is otherwise inadmissible. For this purpose, the board or any member thereof, may administer oaths and take evidence and in case of necessity may issue subpoena and/or subpoena duces tecum. The hearing of all cases brought before a board of special inquiry shall be conducted under rules of procedure to be prescribed by the Commissioner of Immigration.

**Appeal to Board of Commissioners.** - The decision of any two members of the board shall prevail and shall be final unless reversed on appeal by the Board of Board of Commissioners as hereafter stated, or, in the absence of an appeal, unless reversed by the Board of Commissioners after a review by it, motu proprio of the entire proceedings within one year from the promulgation of said decision. At the conclusion of the hearing of any case, the board of special inquiry shall at once proceed to deliberate and decide on the merits thereof. The decision shall be promulgated and the findings and recommendation, in proper cases, submitted not later than two days from the date of the deliberation. Should the board of special inquiry need more time to make a written decision of findings and recommendation in view of the nature of the case, the chairman thereof shall report the case to the Commissioner of Immigration who may grant an extension of time if he considers it necessary.

(c) Who may appeal. - An alien excluded by a board of special inquiry or a dissenting member thereof may appeal to the Board of Commissioners, whose decision in the case shall be final. The decision on appeal shall be put in writing and promulgated not less than seven days from the time the case is submitted for decision. In appealed cases, the alien shall have the right to

be represented by an attorney or counsel who shall have access to the record of the board of special inquiry in the particular case on appeal.

### **MEDICAL EXAMINATION OF ARRIVING ALIENS**

**Sec. 28. Designation of examining team.** - The physical and mental examination of arriving aliens shall be made by medical officers of the Government designated under order of the President to make such examinations, who shall certify for the information of the immigration officers and the boards of special inquiry any and all physical and mental defects or disease observed after an examination by them of such aliens. Should such medical officers be not available, private physicians may be employed for examining arriving aliens, the necessary expenses therefor to be chargeable against the appropriation provided for the Bureau of Immigration.

### **EXCLUDED CLASSES**

**Sec. 29.** (a) The following classes of aliens shall be excluded from entry into the Philippines:

1. Idiots or insane persons and persons who have been insane;
2. Persons afflicted with a loathsome or dangerous contagious disease, or epilepsy;
3. Persons who have been convicted of a crime involving moral turpitude;
4. Prostitutes, or procurers, or persons coming for any immoral purposes;
5. Persons likely to become, public charge;
6. Paupers, vagrants, and beggars;
7. Persons who practice polygamy or who believe in or advocate the practice of polygamy;
8. Persons who believe in or advocate the overthrow by force and violence of the Government of the Philippines, or of constituted lawful authority, or who disbelieve in or are opposed to organized government, or who advocate the assault or assassination of public officials because of their office, or who advocate or teach principles, theories, or ideas contrary to the Constitution of the Philippines or advocate or teach the unlawful destruction of property, or who are members of or affiliated with any organization entertaining or teaching such doctrines;

9. Persons over fifteen years of age, physically capable of reading, who cannot read printed matter in ordinary use in any language selected by the alien, but this provision shall not apply to the grandfather, grandmother, father, mother, wife, husband or child of a Philippine citizen or of an alien lawfully resident in the Philippines;
10. Persons who are members of a family accompanying an excluded alien, unless in the opinion of the Commissioner of Immigration no hardship would result from their admission;
11. Persons accompanying an excluded person who is helpless from mental or physical disability or infancy, when the protection or guardianship of such accompanying person or persons is required by the excluded person, as shall be determined by the Commissioner of Immigration;
12. Children under fifteen years of age, unaccompanied by or not coming to a parent, except that any such children may be admitted in the discretion of the Commissioner of Immigration, if otherwise admissible;
13. Stowaways, except that any stowaway may be admitted in the discretion of the Commissioner of Immigration, if otherwise admissible;
14. Persons coming to perform unskilled manual labor in pursuance of a promise or offer of employment, express or implied, but this provision shall not apply to persons bearing passport visas authorized by Section Twenty of this Act;
15. Persons who have been excluded or deported from the Philippines, but this provision may be waived in the discretion of the Commissioner of Immigration: Provided, however, That the Commissioner of Immigration shall not exercise his discretion in favor of aliens excluded or deported on the ground of conviction for any crime involving moral turpitude or for any crime penalized under Sections Forty-Five and Forty-Six of this Act or on the ground of having engaged in hoarding, black-marketing or profiteering unless such aliens have previously resided in the Philippines immediately before his exclusion or deportation for a period of ten years or more or are married to native Filipino women;
16. Persons who have been removed from the Philippines at the expense of the Government of the Philippines, as indigent aliens, under the provisions of section forty-three of this Act, and who have not obtained the consent of the Board of Commissioners to apply for readmission; and

17. Persons not properly documented for admission as may be required under the provisions of this Act.

(b) Notwithstanding the provisions of this Section, the Commissioner of Immigration, in his discretion, may permit to enter any alien properly documented, who is subject to exclusion under this section, but who is:

1. An alien lawfully resident in the Philippines who is returning from a temporary visit abroad;
2. An alien applying for temporary admission.

**Sec. 30.** Any alien seeking admission into the Philippines may be required to testify under oath on matters relating to his admissibility. The burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws.

### **IMMIGRANT HEAD TAX**

**Sec. 31.** A tax of twenty-five pesos shall be collected for every alien over sixteen years of age admitted into the Philippines for a stay exceeding sixty days. The tax shall be paid to the Immigration Officer or, in his absence to the Collector of Customs, for the account of the Commissioner of Immigration, at the port to which the alien shall come, by the master, agent, owner, or consignee of the vessel bringing said alien to the Philippines, or by the alien himself where collection from the master, agent, owner, or consignee of the vessel shall be impracticable. The tax imposed by this Section shall be a lien on the vessel and shall be a debt in favor of the Government of the Philippines against the owner or owners of the vessel, and payment thereof may be enforced by any legal remedy. The Collector of Customs shall, upon the request of the Commissioner of Immigration, withhold clearance from any vessel which has been declared in default of any obligation incurred under this section.

### **CREW LISTS AND PASSENGERS MANIFESTS**

**Sec. 32.** The master, agent, owner or consignee of any vessel arriving in the Philippines from a place outside thereof, or departing from the Philippines for a place outside thereof, shall furnish to the immigration officer in charge at

the port of arrival and at the port of departure, such crew lists and passenger manifests and such other information concerning the persons arriving or departing on the vessel as shall be required in regulations prescribed by the Commissioner of Immigration: Provided, that the Commissioner of Immigration may, in his discretion, exempt any vessel or vessels from the requirement of this Section.

The crew lists of incoming vessels shall be duly visaed by Philippine consular officials abroad.

### **SEAMEN**

**Sec. 33.** It shall be the duty of the master, agent, owner, or consignee of any vessel arriving in the Philippines from a place outside thereof to detain on board any alien seaman employed on such vessel until the immigration officer in charge has inspected such seaman, and to detain such seaman on board after inspection and to remove such seaman if required by the immigration officer in charge or by the Commissioner of Immigration to do so. No seaman employed on board such a vessel shall be paid off or discharged while the vessel is in a port of the Philippines without the permission of the immigration authorities.

**Sec. 34.** An alien seaman employed on a vessel arriving in the Philippines from a place outside thereof may be permitted to land temporarily under such regulations as shall be prescribed by the Commissioner of Immigration.

### **OBLIGATION OF TRANSPORTING VESSELS IN CASES OF DETENTION AND EXCLUSION**

**Sec. 35.** The cost of maintenance while on land, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of return, of any alien brought to the Philippines and temporarily removed from the vessel for examination by order of the immigration officers, shall be borne by the owner or owners of the vessel on which the alien came.

**Sec. 36.** An alien brought to the Philippines who is excluded shall be immediately sent back, in accommodations of the same class in which he arrived, to the country whence he came, on the same vessel bringing him,



unless in the opinion of the Commissioner of Immigration, immediate return is not practicable or proper. The expense of the return of such an alien shall be borne by the owner or owners of such vessel. If the Commissioner of Immigration finds that immediate return is not practicable or proper, or if the vessel by which the excluded alien came has left the Philippines and it is impracticable for any reason to return the alien within a reasonable time by another vessel owned by the same interests, the cost of return may be paid by the Government and recovered from the owner, agent, or consignee of the vessel. Where return to the country whence the excluded alien came cannot for any reason be effected, the Commissioner of Immigration may direct the alien's removal to the country of his nativity or of which he is a national, and the cost of such removal, if removal by vessel on which he came or by another vessel owned by the same interests cannot be accomplished within a reasonable time, shall likewise be at the expense of the owners of such vessel.

## **DEPORTATION OF ALIENS**

### **Sec. 37.**

(a) The following aliens shall be arrested upon the warrant of the Commissioner of Immigration or of any other officer designated by him for the purpose and deported upon the warrant of the Commissioner of Immigration after a determination by the Board of Commissioners of the existence of the ground for deportation as charged against the alien:

1. Any alien who enters the Philippines after the effective date of this Act by means of false and misleading statements or without inspection and admission by the immigration authorities at a designated port of entry or at any place other than at a designated port of entry;
2. Any alien who enters the Philippines after the effective date of this Act, who was not lawfully admissible at the time of entry;
3. Any alien who, after the effective date of this Act, is convicted in the Philippines and sentenced for a term of one year or more for a crime involving moral turpitude committed within five years after his entry to the Philippines, or who, at any time after such entry, is so convicted and sentenced more than once;
4. Any alien who is convicted and sentenced for a violation of the law governing prohibited drugs;

5. Any alien who practices prostitution or is an inmate of a house of prostitution or is connected with the management of a house of prostitution, or is a procurer;
6. Any alien who becomes a public charge within five years after entry from causes not affirmatively shown to have arisen subsequent to entry;
7. Any alien who remains in the Philippines in violation of any limitation or condition under which he was admitted as a nonimmigrant;
8. Any alien who believes in, advises, advocates or teaches the overthrow by force and violence of the Government of the Philippines, or of constituted law and authority, or who disbelieves in or is opposed to organized government or who advises, advocates, or teaches the assault or assassination of public officials because of their office, or who advises, advocates, or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization entertaining, advocating or teaching such doctrines, or who in any manner whatsoever lends assistance, financial or otherwise, to the dissemination of such doctrines;
9. Any alien who commits any of the acts described in sections forty-five and forty-six of this Act, independent of criminal action which may be brought against him: Provided, That in the case of an alien who, for any reason, is convicted and sentenced to suffer both imprisonment and deportation, said alien shall first serve the entire period of his imprisonment before he is actually deported: Provided however, That the imprisonment may be waived by the Commissioner of Immigration with the consent of the Department Head, and upon payment by the alien concerned of such amount as the Commissioner may fix and approved by the Department Head;
10. Any alien who, at any time within five years after entry, shall have been convicted of violating the provisions of the Philippine Commonwealth Act Numbered Six Hundred and Fifty-Three, otherwise known as the Philippine Alien Registration Act of 1941, or who, at any time after entry, shall have been convicted more than once of violating the provisions of the same Act;
11. Any alien who engages in profiteering, hoarding, or black-marketing, independent of any criminal action which may be brought against him;
12. Any alien who is convicted of any offense penalized under Commonwealth Act Numbered Four hundred and seventy-three,

otherwise known as the Revised Naturalization Laws of the Philippines, or any law relating to acquisition of Philippine citizenship;

13. Any alien who defrauds his creditor by absconding or alienating properties to prevent them from being attached or executed;

(b) Deportation may be effected under clauses 2, 7, 8, 11 and 12 of paragraph (a) of this Section at any time after entry, but shall not be effected under any other clause unless the arrest in the deportation proceedings is made within five years after the cause for deportation arises. Deportation under clauses 3 and 4 shall not be effected if the court, or judge thereof, when sentencing the alien, shall recommend to the Commissioner of Immigration that the alien be not deported.

(c) No alien shall be deported without being informed of the specific grounds for deportation nor without being given a hearing under rules of procedure to be prescribed by the Commissioner of Immigration.

(d) In any deportation proceeding involving the entry of an alien the burden of proof shall be upon the alien to show that he entered the Philippines lawfully, and the time, place, and manner of such entry, and for this purpose he shall be entitled to a statement of the facts in connection with his arrival as shown by any record in the custody of the Bureau of Immigration.

(e) Any alien under arrest in a deportation proceeding may be released under bond or under such other conditions as may be imposed by the Commissioner of Immigration.

**Sec. 38.** An alien ordered deported shall, at the option of the Commissioner of Immigration, be removed to the country whence he came, or to the foreign port at which he embarked for the Philippines, or to the country of his nativity or of which he is a citizen or subject, or to the country in which he resided prior to coming to the Philippines.

**Sec. 39.** If deportation proceedings are instituted within five years after entry, unless deportation is made by reason of causes which arose subsequent to the alien's entry, the cost of deportation from the port of deportation shall be at the expense of the owner or owners of the vessel by which the alien came; if that is not practicable, in such case and in all other

cases, the cost of deportation shall be payable from the appropriations available for the purpose.

## **BONDS**

### **Sec. 40.**

(a) The Commissioner of Immigration shall have the power to exact bonds in such amounts and containing such conditions as he may prescribe:

1. To control and regulate the admission into, and departure from, the Philippines of aliens applying for temporary admission;
2. To insure against alien passengers liable to be excluded as likely to become public charges, from becoming public charges;
3. To insure the appearance of aliens released from custody during the course of deportation proceedings instituted against them.

(b) In lieu of such bond, a deposit in cash may be made with the Collector of Customs in such amount as the Commissioner of Immigration may require.

(c) When the conditions of the bond or cash deposit are fulfilled, or, in the case of a bond or deposit given to insure against an alien becoming a public charge, when the Commissioner of Immigration shall decide that the likelihood no longer exists, or in the event of the naturalization as a Philippine citizen or the death of the alien in whose behalf the bond or deposit is given, the bond shall be canceled or the sum deposited shall be returned to the depositor, or his legal representative. In case of forfeiture, the proceeds of the bond or the cash deposit, as the case may be, shall be deposited in the Philippine Treasury by the Collector of Customs.

## **LEGALIZATION OF RESIDENCE OF ALIENS**

### **Sec. 41.**

(a) Any alien in the Philippines at the time of the passage of this Act concerning whom no record of admission for permanent residence exists or can be located may apply to the Commissioner of Immigration for legalization of his residence in the Philippines. The application shall be made in the form and manner prescribed by regulations issued by the Commissioner. Any alien in the Philippines, whose record of admission for permanent residence does not exist or cannot be located and who shall fail

to legalize his residence in the Philippines as provided in this section, shall be presumed to be unlawfully within the Philippines.

(b) If the Commissioner of Immigration finds that the applicant:

1. entered in the Philippines prior to the effective date of this Act;
2. has maintained a residence in the Philippines since he entered;
3. is a person of good moral character; and
4. is not subject to deportation.

The Commissioner shall make a record in the Bureau of Immigration that the applicant's residence in the Philippines has been legalized.

(c) An alien whose residence has been legalized in accordance with the provisions of this Section shall be deemed to have been lawfully admitted into the Philippines as of the date of his entry.

## **FEES**

### **Sec. 42.**

(a) In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippine Treasury the following fees for services, as indicated, for aliens seeking to enter or remain in the Philippines under the provisions of this Act:

1. Application for nonimmigrant visa - P30.00
2. Passport visa for nonimmigrant - 50.00
3. Application for prearranged Employment visa - 100.00 and for each dependent - 30.00
4. Application for special nonimmigrant visa - 50.00
5. Application for nonpreference quota or non-quota visa - 50.00
6. Application for preference quota visa - 80.00
7. Application for immigrant visa - 50.00
8. Certificate of residence - 80.00
9. Duplicate of certificate of residence - 80.00
10. Duplicate certificate of legalization or residence - 80.00
11. Identification certificate of Philippine citizen - 100.00
12. Reentry Permit or special return certificate - 50.00
13. Application for extension or reentry - 20.00
14. Extension of reentry permit or special return certificate - 50.00
15. Duplicate reentry permit or special return - 50.00
16. Certificate of arrival and identity - 50.00

17. Duplicate certificate of arrival and identity - 30.00
18. Emigration Clearance Certificate - 50.00
19. Duplicate emigration clearance certificate - 50.00
20. All other certificates - 10.00
21. Alien crew list visa - 50.00
22. Filing of motion of appeal or petition for rehearing or reconsideration - 25.00
23. Petition for amendment of immigration document - 20.00
24. For every month or a portion thereof of extension of temporary stay - 20.00
25. For every year or portion thereof of stay beyond two years as nonimmigrant student - 100.00
26. Discharge of military personnel in the Philippines for temporary residence - 50.00
27. Petition for bond or request for withdrawal of bond - 50.00
28. Petition for cancellation of alien registration of documents - 30.00
29. Petition for change of status from one nonimmigrant category to another or change of employer - 60.00
30. Petition for approval of school or course for nonimmigrant student - 30.00
31. Waiver of objection of prior exclusion or deportation under Section 29(a) - 100.00
32. Waver of objection of exclusion under Section 29(b) - 100.00
33. Petition for permit to work - 30.00

Provided, however, that all aliens admitted as religious missionaries under this Decree shall be exempted from the payment of monthly extension fees that are due from temporary visitors.

(b) No fee shall be charged for a passport visa granted to a foreign government official or his family, attendants, and household helpers, and employees, nor shall a fee be charged for a passport visa for a nonimmigrant in transit to a destination outside the Philippines.

### **REMOVAL OF INDIGENT ALIENS**

**Sec. 43.** The Commissioner of Immigration shall have the authority to remove either to their native country, or to the country from whence they come, or to the country of which they are citizens or subjects, at any time

after entry, at the expense of any appropriation available, such aliens as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed, but any person thus removed shall forever be ineligible for readmission except, upon the authorization of the Board of Commissioners obtained previous to embarkation for the Philippines.

**Sec. 44.**

(a) If any vessel or aircraft arriving at a port of the Philippines from a place outside thereof:

1. Fails to submit to the immigration officials at the port of arrival the crew lists, duly visaed, and passenger manifests and other information required by regulations issued under Section Thirty-Two of this Act.
2. Fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew list or passenger manifest - the pilot, master, agent, owner, or consignee of the vessel or aircraft shall be subject to a fine of fifty pesos in the case of each person concerning whom there such failure.

(b) If any vessel or aircraft arriving at a port in the Philippines from a place outside thereof and having an alien on board:

1. Fails to prevent the landing of such alien in the Philippines at any time place other than as designated by the immigration officers; or
2. Refuses or fails to pay the cost of maintenance and other costs, as required by Section Thirty-Five of this Act, of such alien when temporarily removed from the vessels or aircraft for examination by order of the immigration officers; or
3. Refuses to receive such alien on board for removal from the Philippines if he is excluded, or to pay the cost of his removal, if by another vessel or aircraft, as required by Section Thirty-Six of this Act; or
4. Makes any charge against such alien for the cost referred to in clause (2) above, or for the cost of the removal of the alien from the Philippines if he is excluded, or takes any security from the alien for the payment of any such costs - the pilot master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of five hundred pesos for each and every violation of these provisions in the case of each person concerning whom here is such violation.

(c) If any vessel or aircraft arriving at a port in the Philippines from a place outside thereof brings on board any alien bound for the Philippines who is not properly documented as required by this Act, the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of five hundred pesos in the case of each person brought.

(d) Whenever the Commissioner of Immigration shall find that there has been a violation of any of the foregoing provisions of this section, the Commissioner of Immigration shall collect the fine and may enforce through the Collector of Customs, its payment against the vessel in the same manner as fines are collected and enforced against vessels under the customs law. The fines shall be deposited in the Philippine Treasury. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine or while the fine remains unpaid, except upon deposit with the Bureau of Immigration of security sufficient to cover the fine .

(e) No action or proceeding for the enforcement of any fine for any violation of the provisions of this Section shall be instituted more than five years after the violation is committed.

## **PENAL PROVISIONS**

**Sec. 45.** Any individual who:

(a) When applying for an immigration document, impersonates another individual, or falsely appears in the name of deceased individual, or evades the immigration laws by appearing under an assumed or fictitious name; or

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

(c) Obtains, accepts or uses any immigration document, knowing it to be false; or

(d) Being an alien, enters the Philippines without inspection and admission by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material;



(e) Being an alien shall, for any fraudulent purpose, represent himself to be a Philippine citizen in order to evade any requirement of the immigration laws: or

(f) In any immigration matter, shall knowingly make under oath any false statement or representations; or

(g) Being an alien shall depart from the Philippines without first securing an emigration clearance certificates required by Section Twenty-Two-A of the Act; or

(h) Attempts or conspires with another to commit any of the foregoing acts, shall be guilty of an offense, and upon conviction thereof, shall be fined not more than one thousand pesos, and imprisoned for not more than two years, and deported if he is an alien.

**Sec. 45 - A.** Persons duly served with subpoena or subpoena duces tecum and who fail to comply with the requirements thereof shall, after conviction, be imprisoned for not more than fifteen days or fined for not more than one hundred pesos, or both.

**Sec. 46.** Any individual who shall bring into or land in the Philippines or conceal, harbor, employ, or give comfort to any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws, or attempts, conspires with, or aids another to commit any such act, and any alien who enters the Philippines without inspection and admission by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material fact, shall be guilty of an offense, and upon conviction thereof, shall be fined not less than five thousand pesos but not more than ten thousand pesos, imprisoned for not less than five years but not more than ten years, and deported if he is an alien. Dismissal by the employer before or after apprehension does not relieve the employer of the offense.

If the individual who brings into or lands in the Philippines or conceals, harbors, employs or gives comfort to any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside herein, or who

attempts, conspires with or aids another to commit any such act, is the pilot, master, agent, owner, consignee, or any person in charge of the vessel or aircraft which brought the alien into the Philippines from any place outside thereof, the fine imposed under the first paragraph hereof shall constitute a lien against the vessel or aircraft and may be enforced in the same manner as fines are collected and enforced against vessels under the customs laws: Provided, however, That if the court shall, in its discretion, consider forfeiture be justified by the circumstances of the case, it shall order, in lieu of the fine imposed, the forfeiture of the vessel or aircraft in favor of the Government without prejudice to the imposition of the penalty of imprisonment provided in the preceding paragraph.

**Sec. 46-A.** The pilot, master, agent, owner, consignee, or any person in charge of a vessel or aircraft which carries passenger into the Philippines from abroad, is prohibited from allowing the passengers to disembark therefrom, unless all the passengers thereof have been checked up by the Commissioner of Immigration or his authorized representatives. A violation of the provisions hereof shall, upon conviction, be punishable by a fine of not more than one thousand pesos and by an imprisonment of not more than six months. If the offender is the owner of the vessel or aircraft, the fine imposed herein shall be five thousand pesos.

### **SPECIAL PROVISIONS**

**Sec. 47.** Notwithstanding the provisions of this Act, the President is authorized:

(a) When the public interest so warrants:

1. To waive the documentary requirements for any class of nonimmigrants, under such conditions as he may impose;
2. To admit, as nonimmigrants, aliens not otherwise provided for by this Act, who are coming for temporary period only, under such conditions as he may prescribe;
3. To waive the passport requirements for immigrants, under such conditions as he may prescribe;
4. To reduce or to abolish the passport visa fees in the case of any class of nonimmigrants who are nationals of countries which grant similar

concessions to Philippine citizens of a similar class visiting such countries;

5. To suspend the entry of aliens into the Philippines from any country in which cholera or other infectious or contagious disease is prevalent;

(b) For humanitarian reasons, and when not opposed to the public interest, to admit aliens who are refugees for religious, political, or racial reasons, in such classes of cases and under such conditions as he may prescribe.

### **FOREIGN GOVERNMENT OFFICIALS**

**Sec. 48.** Nothing in this Act shall be construed to apply to an official of a recognized foreign government who is coming on the business of his government, nor to his family, attendants, servants, and employees, except that they shall be in possession of passports or other credentials showing their official status, duly visaed by Philippine diplomatic officials abroad, unless the President orders otherwise, and that their names shall appear on the passenger lists of transporting vessels required by Section 32 of this Act, and further, that any alien admitted in the status of attendant, servant, or employee of a foreign government official who fails to maintain such status, shall be deported under the procedure prescribed by Section 37 of this Act.

### **APPROPRIATION FOR ENFORCEMENT OF ACT**

**Sec. 49.** All sums available for the payment of the salaries of the officers and employees of the Immigration Division under the Department of Labor [now Department of Justice] and for the sundry expenses for said Immigration Division for the fiscal year ending June thirtieth, nineteen hundred and forty, are made available for carrying out the provisions of this Act; and there is appropriated, out of any funds in the Philippine Treasury not otherwise appropriated, the additional amount of one hundred fifty thousand pesos or such thereof as may be necessary for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and forty-one: Provided, That appropriations for the Bureau of Immigration for subsequent fiscal years shall be included in the annual general appropriation acts.

### **GENERAL DEFINITIONS**

**Sec. 50.** As used in this Act:

(a) The term "Philippines" means all the territory and waters subject to the jurisdiction of the Government of the Philippines.

(b) The term "alien" means any person not a citizen of the Philippines.

(c) Except for the period covered by Section 55, the term "consular officer" means any official acting for the Government of the Philippines, designated by the President for the purpose of issuing visas to aliens as required of aliens by this Act.

(d) The term "unmarried" when used in reference to an individual as of any time, means an individual who at such time is not married, whether or not previously married.

(e) The terms "child," "father," and "mother," do not include a child or parent by adoption unless the adoption took place before May 1, 1939.

(f) The terms "wife" and "husband" do not include a wife or husband by reason of a proxy or picture marriage taking place after the effective date of this Act.

(g) The word "person" shall be construed to import both the plural and the singular, as the case may be, and shall include partnerships, corporations, companies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any director, officer, agent, or employee of any partnership, corporation, company, or association acting within the scope of his employment or office shall, in every case, be deemed the act, omission, or failure of such partnership, corporation, company, or association.

(h) The term "vessel" shall include civil aircraft as well as water craft.

(i) The term "seaman" means a person serving in any capacity on board a vessel or civil aircraft.

(j) The term "immigrant" means any alien departing from any place

outside the Philippines destined for the Philippines, other than a nonimmigrant.

(k) The term "immigration laws" shall mean this Act and any other law hereafter enacted relating to the entry of aliens into the Philippines, and their exclusion, deportation, and repatriation therefrom.

(l) The words "the President" refer to the President of the Philippines.

### **EFFECTIVE DATE OF ACT**

**Sec.51.** When this Act shall have been approved by the President of the United States, such fact shall be made known by proclamation of the President of the Philippines and this Act shall take effect on the one hundred and twentieth day after the date of such proclamation: Provided, however, That the provisions of this Act creating the Bureau of Immigration and appropriating funds for its support and maintenance shall take effect on the date of the proclamation above-referred to, announcing the approval of this Act by the President of the United States.

### **REPEAL OF EXISTING LAWS**

**Sec. 52.** This Act is in substitution for and supersedes all previous laws relating to the entry of aliens into the Philippines, and their exclusion, deportation, and repatriation therefrom, with the exception of Section Sixty-Nine of Act Numbered Twenty-seven hundred and eleven which shall continue in force and effect: Provided, That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, thing, or matters, the laws or parts of laws repealed or amended by this Act are continued in force and effect: and Provided, further, That as to such prosecutions, actions, suits, or proceedings or as to such acts, things, or matters, the procedure provided for by this Act or by the regulations prescribed thereunder shall be followed in so far as the same may be applicable.

### **ABOLITION OF DIVISION OF IMMIGRATION**

**SECTION 53.** The Division of Immigration of the Department of Labor is abolished and its functions, duties and activities, together with its appropriations, records, equipment, and other properties are transferred to the Bureau of Immigration herein created and the President is authorized to make the necessary adjustments incidental to such transfer conformably to the provisions of this Act.