

**[COMMONWEALTH ACT NO. 613 \*]**

**AN ACT TO CONTROL AND REGULATE THE IMMIGRATION OF ALIENS INTO  
THE PHILIPPINES**

**TITLE OF ACT**

SECTION 1. This Act shall be known as “The Philippine Immigration Act of 1940.”

**BUREAU OF IMMIGRATION**

SECTION 2. *Officials.* — A Bureau of Immigration is established under a Commissioner of Immigration, who shall have two assistants, a First Deputy Commissioner of Immigration and a Second Deputy Commissioner of Immigration. For administrative purposes, the Bureau of Immigration shall be under the supervision and control of the Department of Labor or of any other executive department which the President may subsequently determine.

**COMMISSIONER OF IMMIGRATION**

SECTION 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**

SECTION 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**

SECTION 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.

SECTION 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**

SECTION 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**

SECTION 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**

SECTION 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**

SECTION 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**

SECTION 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.

SECTION 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.

SECTION 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**

SECTION 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.

(g) 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.

SECTION 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**

SECTION 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.

SECTION 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**

SECTION 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**

SECTION 20. *In case of prearranged employment* — (a) 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 defor each meeting attended by them: *Provided, further,* That no compensation shall be paid for more than four (4) meetings a month.

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

a) to prescribe rules and regulations as it may deem reasonably necessary to carry out the provisions of this Act, after consultation and upon favorable recommendation of the different agencies concerned with the child-caring, placement, and adoption;

b) to set the guidelines for the convening of an Inter-country Adoption Placement Committee which shall be under the direct supervision of the Board;

c) to set the guidelines for the manner by which selection/matching of prospective adoptive parents and adoptive child can be made;

d) to determine a reasonable schedule of fees and charges to be exacted in connection with the application for adoption;

e) to determine the form and contents of the application for inter-country adoption;

g) to institute systems and procedures to prevent improper financial gain in connection with adoption and deter improper practices which are contrary to this Act;

h) to promote the development of adoption services, including post-legal adoption services;

i) to accredit and authorize foreign private adoption agencies which have demonstrated professionalism, competence and have consistently pursued non-profit objectives to engage in the placement of Filipino children in their own country: *Provided,* That such foreign private agencies are duly authorized and accredited by their own government to conduct inter-country adoption: *Provided, however,* That the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred (100) a year;

j) to take appropriate measures to ensure confidentiality of the records of the child, the natural parents and the adoptive parents at all times;

k) to prepare, review or modify, and thereafter, recommend to the Department of Foreign Affairs, Memoranda of Agreement respecting inter-country adoption consistent with the implementation of this Act and its stated goals, entered into, between and among

foreign governments, international organizations and recognized international non-governmental organizations;

l) to assist other concerned agencies and the courts in the implementation of this Act, particularly as regards coordination with foreign persons, agencies and other entities involved in the process of adoption and the physical transfer of the child; and

m) to perform such other functions on matters relating to inter-country adoption as may be determined by the President.

### **ARTICLE III PROCEDURE**

SECTION 7. *Inter-Country Adoption as the Last Resort.* — The Board shall ensure that all possibilities for adoption of the child under the Family Code have been exhausted and that inter-country-country adoption is in the best interest of the child. Towards this end, the Board shall set up the guidelines to ensure that steps will be taken to place the child in the Philippines before the child is placed for inter-country adoption: *Provided, however,* That the maximum number that may be allowed for foreign adoption shall not exceed six hundred (600) a year for the first five (5) years.

SECTION 8. *Who May be Adopted.* — Only a legally free child may be the subject of inter-country adoption. In order that such child may be considered for placement, the following documents must be submitted to the Board:

- a) Child study;
- b) Birth certificate/foundling certificate;
- c) Deed of voluntary commitment/decreed of abandonment/death certificate of parents;
- d) Medical evaluation /history;
- e) Psychological evaluation, as necessary; and
- f) Recent photo of the child.

SECTION 9. *Who May Adopt.* — An alien or a Filipino citizen permanently residing abroad may file an application for inter-country adoption of a Filipino child if he/she:

a) is at least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adopter is the parent by nature of the child to be adopted or the spouse of such parent:

b) if married, his/her spouse must jointly file for the adoption;



c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country;

d) has not been convicted of a crime involving moral turpitude;

e) is eligible to adopt under his/her national law;

f) is in a position to provide the proper care and support and to give the necessary moral values and example to all his children, including the child to be adopted;

g) agrees to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act;

h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under his/her national laws; and

i) possesses all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws.

SECTION 10. *Where to File Application.* — An application to adopt a Filipino child shall be filed either with the Philippine Regional Trial Court having jurisdiction over the child, or with the Board, through an intermediate agency, whether governmental or an authorized and accredited agency, in the country of the prospective adoptive parents, which application shall be in accordance with the requirements as set forth in the implementing rules and regulations to be promulgated by the Board.

The application shall be supported by the following documents written and officially translated in English.

a) Birth certificate of applicant(s);

b) Marriage contract, if married, and divorce decree, if applicable;

c) Written consent of their biological or adoptive children above ten (10) years of age, in the form of sworn statement;

d) Physical, medical and psychological evaluation by a duly licensed physician and psychologist;

e) Income tax returns or any document showing the financial capability of the applicant(s);

f) Police clearance of applicant(s);

g) Character reference from the local church/minister, the applicant's employer and a member of the immediate community who have known the applicant(s) for at least five (5) years; and

h) Recent postcard-size pictures of the applicant(s) and his immediate family;

The Rules of Court shall apply in case of adoption by judicial proceedings.

SECTION 11. *Family Selection/Matching.* — No child shall be matched to a foreign adoptive family unless it is satisfactorily shown that the child cannot be adopted locally. The clearance, as issued by the Board, with the copy of the minutes of the meetings, shall form part of the records of the child to be adopted. When the Board is ready to transmit the Placement Authority to the authorized and accredited inter-country adoption agency and all the travel documents of the child are ready, the adoptive parents, or any one of them, shall personally fetch the child in the Philippines.

SECTION 12. *Pre-adoptive Placement Costs.* — The applicant(s) shall bear the following costs incidental to the placement of the child;

a) The cost of bringing the child from the Philippines to the residence of the applicant(s) abroad, including all travel expenses within the Philippines and abroad; and

b) The cost of passport, visa, medical examination and psychological evaluation required, and other related expenses.

SECTION 13. *Fees, Charges and Assessments.* — Fees, charges, and assessments collected by the Board in the exercise of its functions shall be used solely to process applications for inter-country adoption and to support the activities of the Board.

SECTION 14. *Supervision of Trial Custody.* — The governmental agency or the authorized and accredited agency in the country of the adoptive parents which filed the application for inter-country adoption shall be responsible for the trial custody and the care of the child. It shall also provide family counseling and other related services. The trial custody shall be for a period of six (6) months from the time of placement. Only after the lapse of the period of trial custody shall a decree of adoption be issued in the said country a copy of which shall be sent to the Board to form part of the records of the child.

During the trial custody, the adopting parent(s) shall submit to the governmental agency or the authorized and accredited agency, which shall in turn transmit a copy to the Board, a progress report of the child's adjustment. The progress report shall be taken into consideration in deciding whether or not to issue the decree of adoption.

The Department of Foreign Affairs shall set up a system by which Filipino children sent abroad for trial custody are monitored and checked as reported by the authorized and accredited inter-country adoption agency as well as the repatriation to the Philippines of a Filipino child whose adoption has not been approved.

SECTION 15. *Executive Agreements.* — The Department of Foreign Affairs, upon representation of the Board, shall cause the preparation of Executive Agreements with countries of the foreign adoption agencies to ensure the legitimate concurrence of said countries in upholding the safeguards provided by this Act.

#### **ARTICLE IV PENALTIES**

SECTION 16. *Penalties.* — a) Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption, in violation of the provisions of this Act, shall be punished with a penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine of not less than Fifty thousand pesos (₱50,000), but not more than Two hundred thousand pesos (₱200,000), at the discretion of the court. For purposes of this Act, an adoption is illegal if it is effected in any manner contrary to the provisions of this Act or established State policies, its implementing rules and regulations, executive agreements, and other laws pertaining to adoption.

**Illegal in 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: Limitation on authority of commissioner. — *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.

SECTION 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**

SECTION 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**

SECTION 32. The master, agent, owner or consignee of any vessel arriving in the Philippines from a place outside thereof, or departing from the Philip- pines 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**

SECTION 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.

SECTION 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**

SECTION 35. The cost of maintenance while on land, medical treatment in hospital or elsewhere, burial in 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.

SECTION 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 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**

SECTION 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, 58 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.

SECTION 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.

SECTION 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**

SECTION 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**

SECTION 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 lawfully admitted into the Philippines as of the date of his entry.

### **FEES**

SECTION 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:

	Old fees	New fees
(1) Application for nonimmigrant visa	(P10.00)	P30.00
(2) Passport visa for nonimmigrant	(20.00)	50.00
(3) Application for prearranged employment visa	(80.00)	100.00
and for each dependent	(10.00)	30.00

(4)	Application for special nonimmigrant visa		50.00
(5)	Application for nonpreference quota or non-quota visa	(10.00)	50.00
(6)	Application for preference quota visa	(40.00)	80.00
(7)	Application for immigrant visa	(20.00)	50.00
(8)	Certificate of residence	(50.00)	80.00
(9)	Duplicate of certificate of residence	(40.00)	80.00
(10)	Duplicate certificate of legalization or residence	(40.00)	80.00
(11)	Identification certificate of Philippine citizen	(10.00)	100.00
(12)	Reentry Permit or special return certificate	(20.00)	50.00
(13)	Application for extension or reentry	(5.00)	20.00
(14)	Extension of reentry permit or special return certificate	(20.00)	50.00
(15)	Duplicate reentry permit or special return	(40.00)	50.00
(16)	Certificate of arrival and identity	(10.00)	50.00
(17)	Duplicate certificate of arrival and identity		30.00
(18)	Emigration Clearance Certificate	(20.00)	50.00
(19)	Duplicate emigration clearance certificate		50.00
(20)	All other certificates	(5.00)	10.00
(21)	Alien crew list visa	(20.00)	50.00
(22)	Filing of motion of appeal or petition for rehearing or reconsideration	(10.00)	25.00
(23)	Petition for amendment of immigration document	(10.00)	20.00
(24)	For every month or a portion thereof of extension of temporary stay	(10.00)	20.00
(25)	For every year or portion thereof of stay beyond two years as nonimmigrant student	(50.00)	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	(10.00)	30.00
(29)	Petition for change of status from one nonimmigrant category to another or change of employer	(10.00)	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**

SECTION 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.

SECTION 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 questions 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

SECTION 45. Any individual who —

(a) When applying for an immigration document personates 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.

SECTION 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.

SECTION 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.

SECTION 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**

SECTION 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**

SECTION 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**

SECTION 49. All sums available for the payment of the salaries of the officers and employees of the Immigration Division under the Department of Labor 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 84 for subsequent fiscal years shall be included in the annual general appropriation acts.

### **GENERAL DEFINITIONS**

SECTION 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**

SECTION 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**

SECTION 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.

## **GENERAL RESERVATIONS**

SECTION 54.

Approved: August 26, 1940.

### Footnotes

\* As amended by RA 118, RA 135, RA 144, RA 503, RA 749, RA 827, RA 1901, RA 4376, RA 5171, RA 5701 and PD 524.

1. Now Commission on Immigration and Deportation.
2. Now Associate Commissioner of Immigration.
3. Id.
4. Now Commission on Immigration and Deportation.
5. Now Department of Justice.
6. Appointments extended by the President no longer requires the consent of any Body.
7. See PD 847, promulgated December 16, 1975.
8. Now Commission on Immigration and Deportation.
9. Now Associate Commissioners of Immigration.
10. There is no more Commission on Appointments.
11. Now Associate Commissioner of Immigration.

12. See PD 847, promulgated December 16, 1975.
13. See PD 847, promulgated December 16, 1975.
14. Now Associate Commissioner of Immigration.
15. Now Associate Commissioner of Immigration.
16. Id.
17. Id.
18. Id.
19. Now Immigration Officer.
20. Id.
21. Deletion of the words in brackets in the text immediately following are amendments introduced by RA 503, section 1, approved June 12, 1950. Statutory History of section 5 (a)

Original text—

(a) The position of Immigrant Inspectors is created, appointments to which shall be made upon the recommendation of the Commissioner of Immigration in accordance with the Civil Service laws. [Immigrant Inspectors shall receive a salary the maximum of which shall not be more than three thousand six hundred pesos per annum.] (Ed. Note: Words in brackets were deleted in RA 503 supra.)

22. Now Immigration Officer.
23. Id.
24. Id.
25. Id.
26. Id.
27. Id.
28. Id.
29. Words in bold in the text above are amendments introduced by RA 144, section 1, approved June 14, 1947.

Statutory History of section 6:

Original text — The original provisions of section 6, being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

30. Now Commission on Immigration and Deportation.
31. See PD 985.
32. Inserted by RA 503, section 2, approved June 12, 1950.
33. Now Associate commissioners of Immigration.
34. As amended by RA 503, section 3, approved June 12, 1950. See footnote 38 infra, for Statutory History of section 9.
35. .Words in bold in the text above are amendments introduced by RA 5171, section 1, approved August 4, 1967 to section 9(d). See footnote 38 infra, for Statutory History of section 9.
36. See Article 40-42, PD 442 (Labor Code) promulgated May 1, 1974.
37. Now Commission on Immigration and Deportation.

38. Words in bold in the text of paragraphs (e) to (g) above are amendments introduced by RA 503, section 3, approved June 12, 1950.

Statutory History of section 9:

a) Original text —

SEC. 9. Aliens departing from any place outside the Philippines, [destined for 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) [A person seeking] to enter the Philippines solely to carry on trade between the Philippines and the foreign state of which he is a national, 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 under similar conditions are accorded like privileges in the foreign state of which such person is a national;]

(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; and]

(f) A student, having means sufficient for his education and support in the Philippines, who is at least [fifteen] years of age and who seeks to enter the Philippines temporarily and solely for the purpose of study at a school [or other institutions of learning] approved for such alien students by the Commissioner of Immigration. (Ed. Note: Words in brackets were deleted in RA 503, supra.) b) Words in bold in the text immediately following are amendments introduced by RA 503, section 3, approved June 12, 1950 to paragraph (d). (Ed. Note: The provisions of the first paragraph and paragraphs (e), (f), and (g) as amended by RA 503, being the latest amendment thereto are reproduced in the text above).

(g) An alien entitled to enter the Philippines solely to carry on trade between the Philippines and the foreign state of which he is a national [under and in pursuance of the provisions of a treaty of commerce and navigation] and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him; (Ed. Note: Words in brackets were deleted in RA 5171, supra.)

RA 1393, section 1, approved August 29, 1955, provides:

“Upon a basis of reciprocity, a national of the United States and the spouse and children of any such national, if accompanying or following to join him, may, if otherwise eligible for a visa and if otherwise admissible under Common wealth Act Numbered Six hundred thirteen, otherwise known as the Philippine Immigration Act of Nineteen hundred forty, as amended, be considered to be classifiable as a non-immigrant under section nine (d) of said Act if entering (a) solely to carry on substantial trade principally between the Philippines and the United States, or (b) solely to develop and direct the operation of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital.” See also PD 639, section 2, promulgated January 21, 1975, granting scholars, trainees, participants, students, fellows or professors under the auspices of the Asian Institute of Management special nonimmigrant status and exemption from payment of visa and immigration fees.

39. Words in bold in the text above are amendments introduced by RA 503, section 4, approved June 12, 1950.

Statutory History of section 10.

Original text

SEC. 10. 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 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;

(b) A seaman qualifying as such under section 9 (c) of this Act; and

[(c) A returning resident, as referred to in section nine hereof, presenting a Reentry Permit as provided for in section twenty-two of this Act.] (Ed. Note: Words in brackets were deleted in RA 503. supra.)

40. Words in bold in the text above are amendments introduced by RA 503, section 5 approved June 12, 19 50.

Statutory History of section 13:

Original text —

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 [five hundred] 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:

(a) [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 two years from the date of his admission into the Philippines as an immigrant under this paragraph,]

(b) 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;

(c) A child of alien parents born during the temporary visit abroad of the mother, the mother having been previously lawfully admitted into the Philip- pines 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;

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

(e) A woman who was a citizen of the Philippines and who lost her citizen- ship 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,

[f) The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted into the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein, if such wife, husband, or child applies for admission within a period of two years following the date on which this Act becomes effective.] (Ed. Note: Words in brackets were deleted in RA 503, supra.)

41. Inserted by RA 4376, section 1, approved June 19, 1965.

CA 733, section 2, approved July 3, 1946, provides that a citizen of the United States who resided in the Philippines for three months within the period of forty-two months prior to November 30, 1941, shall be considered a non-quota immigrant and a permanent resident.

42. Words in bold in the text above are amendments introduced by RA 503, section 6, approved June 12, 1950.

Statutory History of section 15:

Original text —

SEC. 15. 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 [of

an accompanying parent the visa not having expired, shall not be subject to these documentary requirements. (Ed. Note: Words in brackets were deleted in-RA 503, supra.)

43. Words in bold in the text above are amendments introduced by RA 503, section 7 approved June 12, 1950.

Statutory History of section 20 (a):

Original text

SEC. 20. (a) [A non-quota immigration visa for an immigrant referred to in section thirteen (a)] 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 [immigrant] is desired and that the [immigrant's] admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his representative. The petition shall state fully the nature of the labor or service for which the [immigrant] 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 [immigrant] is desired and why the [immigrants] admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of [any] allegation made in the petition [may] be required. (Ed. Note: Words in brackets were deleted in RA 503, supra.) See also articles 4042, PD 442 (Labor Code) promulgated May 1, 1974.

44. Inserted by RA 503, section 8, approved June 12 1950.

45. Now Commission on Immigration and Deportation.

46. Inserted by RA 144, section 2, approve June 14, 1947.

47. Words in bold in the text above are amendments introduced by RA 503, section 9, approved June 12, 1950.

Statutory History of section 27 (b) and (c).

Original text — The original provisions of section 27 (b) and (c), being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

48. Now Commission on Immigration and Deportation.

49. Words in bold in the text above are amendments introduced by RA 503, section, approved June 12, 1950.

Statutory History of section 29 (14):

Original text —

(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 [non-quota immigration visas authorized by section twenty of this Act. (Ed. Note: Words in brackets were deleted in RA 503, supra.

50. Words in bold in the text above are amendments introduced by RA 503, section 10 approved June 12, 1950.

Statutory History of section 29 (15):

Original text —

(15) Persons who [within one year prior to the date of application for admission] have been excluded or deported from the Philippines, but this provision may be waived in the discretion of the Commissioner of Immigration; (Ed. Note: Words in brackets were deleted in RA 503, supra.)

51. Words in bold in the text above are amendments introduced by RA 749, section 1, approved June 18, 1952.

Statutory History of section 31.

Original text

SEC. 31. A tax of [sixteen] 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 Collector of Customs 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 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. (Ed. Note: Word in brackets was deleted in RA 749, supra.)

52. Inserted by RA 503, section 11, approved June 12, 1950.

53. Word in bold in the text above is an amendment introduced by RA 503, section 12, approved June 12, 1950.

Statutory History of section 35.

Original text —

SEC. 35. The cost of maintenance while on land, medical treatment in hospital or elsewhere, burial in event of death, and transfer to the vessel in the event of [deportation] 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. (Ed. Note: Word in brackets was deleted in RA 503, supra.)

54. Words in bold in the text above are amendments introduced by RA 503, section 12, approved June 12, 1950.

Statutory History of section 36:

Original text —

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 vessel bringing him, unless in the opinion of the Commissioner of Immigration, immediate [deportation] 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 [deportation] 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 [deport] the alien within a reasonable time by another vessel owned by the same interests, the cost of [deportation] 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 the 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 [owner] or owners of such vessel. (Ed. Note Words in brackets were deleted in RA 503, supra.)

55. Words in bold in the text above are amendments introduced by RA 503, section 13, approved June 12, 1950.

Statutory History of section 37 (a) (1):

Original text — The original provisions of section 37 (a)(1), being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

56. Deletion of the words in brackets in the original text, infra, are amendments introduced by RA 503, section 13, approved June 12, 1950 to section 37 (a) (4).

Statutory History of section 37 (a) (4):

Original text

(4) Any alien who is convicted and sentenced for a violation of the law governing [traffic in] prohibited drugs. See RA 6425 (Dangerous Drug Act).

57. Subsection (9) was inserted by RA 144, section 3, approved June 14, 1947.

58. Now RA 562.

59. Subsections (10) to (13) were inserted by RA 503, section 13, approved June 12, 1950

60. Word and figures in bold in the text above are amendments introduced by RA 503, section 13, approved June 12, 1950.

Statutory History of section 37 (paragraph b):

Original text — The original provisions of section 37(b) being similar to the amended provisions supra, except for the words in bold, are not reproduced here.



61. Now Commission on Immigration and Deportation.

62. Deletion of the words in brackets in the text below are amendments introduced by RA 503, section 14, approved June 12, 1950.

Statutory History of section 41 (a):

Original text —

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. [The application must be made within one year after the effective date of this Act, except that if the Commissioner is satisfied that the alien for justifiable reasons has failed to apply within the period of one year, he may accept the alien's application at any time after the date when this Act becomes effective: *Provided, however* That] 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.

63. Now Commission on Immigration and Deportation.

64. In addition to the fees enumerated in this section, an additional legal research fee is required by RA 3870, section 4, approved June 15, 1964.

65. As amended by RA 118, section 1, approved June 7, 1947. This item was not included when section 42(a) was amended by RA 135, section 1, but when the same paragraph was amended by RA 749, section 2, this item was incorporated. See footnote 68, *infra*, for Statutory History of section 42 (a).

66. Items (3) and (12) now (12) and (15) were expressly repealed by RA 503, section 15, but when paragraph (a) was amended by RA 749, section 2 on June 18, 1952 and by RA 1901, section 1, on June 22, 1957, these two items were included. See footnote 68 *infra*, for Statutory History of section 42(a)

67. See footnote No. 66, *supra*. RA 503, section 15, inserted item “(12) Visa for Alien—20.00” but this item was not included in subsequent amendments to paragraph (a) i.e. RA 749 and RA 1901. See footnote 68 *infra*, for Statutory History of section 42(a).

68. Words in bold in the text above are amendments introduced by PD 524, section 1 promulgated July 31, 1974.

Statutory History of section 42 (a):

a) Original text —

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 the Philippines under the provisions of this Act:

	Pesos
(1) Executing application for passport visa for nonimmigrant	[Gratis]
(2) Passport visa for nonimmigrant	[10.00]
(3) Reentry permit	[5.00]

*Provided, however,* That upon payment of a fee of [P10] a resident alien may use his reentry permit, during a period of one year, regardless of the number of trips made by him to and from foreign ports.

(4) Extension of reentry permit	[3.00]
(5) Executing application for immigration visa	[Gratis]
(6) Immigration visa	[10.00]
(7) Legalization of residence	[10.00]
(8) Petition for preference quota status	[3.00]
(9) Petition for non-quota status for immigrant coming to prearranged employment	[10.00]
(10) Certificate of residence	[10.00]
(11) Duplicate certificate of residence	[20.00]

*Provided, however,* That any alien who shall fail to legalize his residence within the period of one year provided in section 41(a) of this Act, but whose application will have been accepted by the Commissioner of Immigration after the lapse of one year, shall pay for the legalization of his residence the sum of [twenty] pesos.

(b) No fee shall be charged for a passport visa granted to a foreign government official or his family, attendants, servants, and employees, nor shall a fee be charged for a passport visa for a nonimmigrant in transit to a destination outside the Philippines. (Ed. Note: Word and figures in brackets were deleted in RA 1901, supra )

(b) Word 2nd figures in bold in the text immediately following are amendments introduced by RA 135, section 1, approved June 14, 1947.

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 the Philippines under the provisions of this Act:

(1) Executing application for passport visa for nonimmigrant	P5.00
(2) Passport visa for nonimmigrant	20.00
(3) Reentry permit	20.00

[*Provided, however,* That upon payment of a fee of P40.00, a resident alien may use his reentry permit, during a period of one year, regardless of the number of trips made by him to and from foreign ports]

(4)	Extension of reentry permit	[P10.00]
(5)	Executing application for immigration visa	[5.00]
(6)	Immigration visa	20.00
(7)	Legalization of residence	50.00
(8)	Petition for preference quota status	[10.00]
(9)	Petition for [nonquota status] for [immigrant] coming to prearranged employment	[20.00]
(10)	Duplicate certificate of residence	40.00
(11)	Duplicate reentry permit	40.00

[*Provided, however,* That any alien who shall fail to legalize his residence within the period of one year provided in section 41(a) of this Act, but whose application will have been accepted by the Commissioner of Immigration after the lapse of one year shall pay for the legalization of his residence the sum of sixty pesos.] (Ed. Note: Words and figures in brackets were deleted in RA 749, *infra*.)

(c) words in bold in the text immediately following are amendments introduced by RA 749, section 2, approved June 18, 1952.

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)	Executing application for passport visa for nonimmigrant	P10.00
(2)	Passport visa for nonimmigrant	20.00
[(3)]	Reentry permit	20.00]
(4)	Extension of reentry permit	20.00
(5)	Executing application for immigration visa	10.00
(6)	Immigration visa	20.00
(7)	Legalization of residence	50.00
(8)	Petition for preference quota status	40.00
(9)	Petition for visa for nonimmigrant coming to prearranged employment	80.00
(10)	Certificate of residence	P50.00
(11)	Duplicate certificate of residence	40.00
[(12)]	Duplicate reentry permit	40.00]
(13)	Duplicate certificate of legalization of residence	40.00

(14)	Sworn application for extension of reentry permit	5.00
(15)	Filing of notice of appeal or petition for rehearing or reconsideration	10.00
(16)	Petition for amendment or cancellation of alien registration or immigration documents	10.00
(17)	For every month of extension of temporary stay	10.00
(18)	For every year, or fraction thereof of stay beyond two years as nonimmigrant student	50.00
(19)	Certificate of arrival or identity	10.00
(20)	All other certificates	10.00

*Provided, however,* That all aliens residing in the Philippines, who are four-teen years of age or over and who are entitled to consideration as permanent residents therein, excepting those who are already holders of certificates of legalization of residence, certificates of residence, or any other similar document issued pursuant to the provisions of this Act, shall apply for and secure their certificates of residence within six months after approval hereof, or in the case of those who are admitted into the Philippines subsequently thereto, within thirty days after such admission.

*Provided, furthermore,* That all aliens admitted for temporary stay in the Philippines, who have been staying therein for more than six months, within sixty days from approval hereof, shall apply for and secure their certificates or residence which shall be surrendered to the immigration authorities prior to departure from the Philippines of the holders thereof. (Ed. Note: Words in brackets were deleted in RA 1901, supra.) Words in bold in the text immediately following are amendments introduced by RA 1901, section 1, approved June 22, 1957.

SEC. 42. (a) In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippines 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)	[Executing] application for passport and visa for nonimmigrant	[P10.00]
(2)	Passport visa for nonimmigrant	[20.00]
(3)	Reentry permit	[20.00]
(4)	Extension of reentry permit	[20.00]
(5)	[Executing application for immigration visa]	[10.00]
(6)	Immigration visa	[20.00]
(7)	Legalization of residence	[50.00]
(8)	[Petition for] preference quota [status]	[40.00]
(9)	[Petition for visa for nonimmigrant	

	coming to] prearranged employment	[80.00]
(10)	Certificate of residence	[50.00]
(11)	Duplicate certificate of residence	[40.00]
(12)	Duplicate reentry permit	[40.00]
(13)	Duplicate certificate of legalization of residence	[40.00]
(14)	Sworn application for extension of reentry permit	[ 5.00]
(15)	Filing of notice of appeal or petition for rehearing or reconsideration	[10.00]
(16)	Petition for amendment or cancellation of alien registration or immigration documents	[10.00]
(17)	For every month of extension of temporary stay	[10.00]
(18)	For every year, or fraction thereof, of stay beyond two years as nonimmigrant student	[50.00]
(19)	Certificate of arrival or identity	[10.00]
(20)	All other certificates	[5.00]

*Provided, however,* That all aliens residing in the Philippines, who are four-teen years of age or over and who are entitled to consideration as permanent residents therein, excepting those who are already holders of certificates of legalization of residence, certificates of residence or any other similar document issued pursuant to the provisions of this Act, shall apply for and secure their certificates of residence within six months after approval hereof, or in the case of those who are admitted into the Philippines subsequently thereto, within thirty days after such admission.

*Provided, furthermore,* That all aliens admitted for temporary stay in the Philippines. who have been staying therein for more than six months, within sixty days from approval hereof, shall apply for and secure their certificates of residence which shall be surrendered to the immigration authorities prior to departure from the Philippines of the holders thereof.

*Provided, further still,* That all aliens admitted to “prearranged employment” under section nine (g) of this Act, but engaged exclusively in religious or educational work, shall be exempted from the payment of the monthly fee of ten pesos for every month of extension of temporary stay.

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

(c) A fee of twenty pesos shall be charged for the issuance of an emigration clearance certificate to an alien in the Philippines who departs for temporary or permanent residence abroad. (Ed. Note: Words in brackets were deleted in PD 524, supra.)

69. Words in bold in the text above are amendments introduced by RA 144 section ; approved June 14, 1947. See footnote 62 for Statutory History of section 44 (a).

70. Words in bold in the text above are amendments introduced by RA 503, section 16 approved June 12, 1950. See footnote 76 for Statutory History of section 44 (a).

71. Words in bold in the text above are amendments introduced by RA 144 section S. approved June 14, 1947. See footnote 76 for Statutory History of section 44 (a).

72. Id.

73. Id.

74. Now Commission on Immigration and Deportation.

75. Words in bold in the text above are amendments introduced by RA 144. section 5 approved June 14, 1947. See footnote 76, for Statutory History of section 44. Originally paragraph (c), redesignated by RA 503. section 16, approved June 12, 1950. The original paragraph (d) was redesignated as section 46-A, infra.

76. Originally paragraph (f), redesignated by RA 503, section 15, approved June 12, 1950. Words in bold in the text above are amendments introduced by RA 144, section 5, approved June 14, 1947.

Statutory History of section 44.

Original text—

SEC. 44. (a) If any vessel 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 and passenger manifests and other information required by regulations issued under section thirty-two of this Act, or

(2) Fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew list or passenger manifest — the master, agent, owner or consignee of the vessel shall be subject to a fine of fifty pesos in the case of each person concerning whom there is such failure.

(b) If any vessel 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 or 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 vessel 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, 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 master agent, owner, or consignee of the vessel 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 there is such violation.

(c) Whenever the Commissioner of Immigration shall find that there has been a violation of any of the foregoing provisions of this section, the [Collector of Customs] shall collect the fine and may enforce its payment against the vessel in the same manner as fines are collected and enforced against vessels under the customs laws. 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 [Collector of Customs] of security sufficient to cover the fine.

(d) No [prosecution] or proceeding for the enforcement of any [penalty] for any violation of the provisions of this section shall be instituted more than five years after the violation is committed. (Ed. Note: Words in brackets were deleted in RA 144, supra.)

77. Words in bold in the text above are amendments introduced by RA 144, section 6, approved June 14, 1947.

Statutory History of section 45 (d).

Original text

(d) being an alien, enters the Philippines [at any time or place other than as designated] by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material fact; or (Ed. Note: Words in brackets were deleted in RA 144, supra.)

78. inserted by RA 144, section 6, approved June 14, 1947.

79. Originally paragraph (g) redesignated and amended by RA 144. Words in bold in the text above are amendments introduced by RA 144, section 6 approved June 14, 1947.

Statutory History of section 45 (g):

Original text —

[(g)] 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 [or] imprisoned for not more than two years, [or both] (Ed. Note: Words in brackets were deleted in RA 144, supra.)

80. Inserted by RA 503, section 17, approved June 12, 1950.

81. Words in bold in the text above are amendments introduced by RA 5701, section approved June 21, 1969.

Statutory History of section 46:

(a) Original text —

SEC. 46. Any individual who shall bring into or land in the Philippines conceal or harbor any alien not duly admitted by an 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, shall be guilty of an offense, and upon conviction thereof, shall be fined not more than [one] thousand pesos, [or] imprisoned for not more than [two] years [or both] (Ed. Note: Words in brackets were deleted in RA 144, infra.)

b) Words in bold in the text immediately following are amendments introduced by RA 144, section 7, approved June 14, 1947.

SEC. 46. Any individual who shall bring into or land in the Philippines conceal or harbor any alien not duly admitted by an 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, 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. (Ed. Note: Words in brackets were deleted in RA 827, infra.)

c) Words in bold in the text immediately following are amendments introduced by RA 827, section 1, approved August 14, 1952.

SEC. 46. Any individual who shall bring into or land in the Philippines or conceal [or] harbor 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 more than ten thousand pesos, imprisoned for not more than ten years, and deported if he is an alien.



If the individual who brings into or lands in the Philippines or conceals or harbors 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 to 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.

82. Originally section 44(d) which was inserted by RA 144, section 5, but was re-numbered by RA 503. section 16, approved June 12, 1950.

83. Words in bold in the text above are amendments introduced by RA 503, section 18, approved June 12, 1950.

Statutory History of section 48:

Original text — The original provisions of section 48, being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

84. Now Commission on Immigration and Deportation.

85. Footnote reference and footnote text are not found in the original copy..

86. Repealed by RA 503, section 19, approved June 12, 1950.