IMPLEMENTING GUIDELINES OF THE BUREAU OF IMMIGRATION (BI) REGIONALIZATION PROGRAM

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RULE I
GENERAL PROVISIONS

SECTION 1. Purpose - This Implementing Guidelines is promulgated for the purpose of prescribing rules and procedures for the implementation of Department of Justice (DOJ) Memorandum Order No. 4, dated 04 May 2009, entitled "ESTABLISHING THE IMMIGRATION AREA OFFICES IN THE BUREAU OF IMMIGRATION, DEFINING THE FUNCTIONS, DUTIES AND RESPONSIBILITIES THEREOF, AND FOR OTHER PURPOSES."

SECTION 2. Legal Basis - Commonwealth Act No. 613, otherwise known as the "Philippine Immigration Act of 1940", as amended; Book IV, Title III, Chapter 10, Section 31 of Executive Order No. 292, Series of 1987, otherwise known as the "Administrative Code of 1987"; and DOJ Memorandum Order No. 04, dated 04 May 2009, entitled "Establishing the Immigration Area Offices in the Bureau of Immigration, Defining the Functions, Duties and Responsibilities Thereof, and for Other Purposes".

SECTION 3. Objective - This Implementing Guidelines aim to provide the framework by which the BI Regionalization Program shall be implemented, define functions, duties and responsibilities of the Immigration Area Offices and its component units and personnel, delineate its organizational and functional relationship with the Bureau's Divisions, Sections, Sub-ports and other offices and units.

RULE II
IMMIGRATION AREA OFFICES AND COMPOSITION

SECTION 4. Immigration Area Offices - The ten (10) Immigration Area Offices covering the seventeen (17) geo-political subdivisions of the country, clustered accordingly, are as follows:

Immigration Area Office

Area of Responsibility (geo-political subdivision)

Location of Office

IAO - I

Region 1 and Cordillera Autonomous Region (CAR) San Fernando City, La Union

IAO - II

Regions 2 and 3 Angeles City, Pampanga

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IAO - III

National Capital Region (NCR) - North, consisting the Cities of Manila, Mandaluyong, Marikina, San Juan, Quezon, Caloocan, Malabon, Navotas and Valenzuela Binondo, Manila

IAO - IV

National Capital Region (NCR) - South, consisting the Cities of Makati, Pasay, Parañaque, Las Piñas, Pasig, Taguig, Muntinlupa, and the Municipality of Pateros Parañaque City

IAO- V

Regions 4-A, 4-B and 5 Batangas City, Batangas

IAO - VI

Region 6 Iloilo City, Iloilo

IAO - VII

Regions 7 and 8 Cebu City, Cebu

IAO -VIII

Region 9 and Autonomous Region of Muslim Mindanao (ARMM) Zamboanga City

IAO - IX

Regions 11 and 12 Davao City

IAO - X

Regions 10 and 13 Cagayan de Oro City

SECTION 5. Jurisdiction - The exercise of powers and functions of the Immigration Area Offices and all its officers and personnel shall be limited to the geo-political jurisdiction as defined in Section 4 hereof. In cases where the exercise of such powers and functions will go beyond its area of jurisdiction, coordination shall be undertaken with the other area offices concerned.

SECTION 6. Composition - Each Immigration Area Office (IA) shall be headed by an Immigration Area Director (IAD) who shall perform the functions, duties and responsibilities defined under Section 7 hereof. The Immigration Commissioner shall, through appropriate Personnel Orders, designate personnel as may be necessary to adequately and efficiently perform the functions of the administrative, operations and technical support staff complement for each IAO from among the divisions/sections/units/offices of the BI, to wit:

a. Alien Registration Division;

b. Legal and Investigation Division;

c. Law Enforcement Division;

d. Intelligence Division;

e. Civil Security Unit; and

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f. Computer Section.

RULE III
FUNCTIONS, DUTIES AND RESPONSIBILITIES OF IMMIGRATION AREA DIRECTOR (IAD)

SECTION 7. Functions, Duties and Responsibilities of Immigration Area Director - The Immigration Area Director (IAD) shall perform and exercise the following functions, duties and responsibilities:

a. Monitor and coordinate with the operations of all BI District, Sub-port, Extension, Field and Satellite Offices within their respective area of responsibility (AOR) as defined in Section 4 hereof to ensure that the performance of its duties and responsibilities, as well as its activities, are consistent with the vision and mission of the Bureau;
b. Direct, control, and supervise the intelligence, enforcement, law and investigation, alien registration, information technology and civil security programs, operations and activities of concerned personnel within their respective area of responsibility (AOR) consistent with existing laws, rules, regulations and procedures.
c. Act as official representative of the Office of the Commissioner to the national government agencies, local government units (LGUs), non-governmental organizations, people's organizations, and the private sector relative to immigration concerns in their respective area of responsibility (AOR);
d. Provide the Office of the Commissioner with timely analysis and recommendations on critical and strategic policy on issues and concerns relative to immigration and other operational matters within their respective area of responsibility (AOR);
e. Assist and coordinate with concerned offices/officers relative to official visits of the Commissioner in their respective area of responsibility (AOR);
f. Submit monthly report, or as often as may be required, to the Office of the Commissioner on status of operations in their respective area of responsibility (AOR) and in the implementation of programs and projects, as well as other relevant matters in their respective area of responsibility (AOR) and, when necessary, with recommendations on possible course/s of action;
g. Ensure that all memoranda, orders and directives of the Commissioner pertaining to their respective area of responsibility (AOR) are faithfully and expediently accomplished; and
h. Perform such other functions and duties as may be directed by the Commissioner pursuant to Memorandum Order.

RULE IV
ORGANIZATIONAL AND FUNCTIONAL GUIDELINES

SECTION 8. Control, Supervision, Coordination and Reporting - [a] All Immigration Area Directors (IAD) shall be under the direct control and supervision of the Executive Director. The Executive Director shall submit a monthly report, or as often as may be required or necessary, to the Commissioner on all matters concerning the Immigration Area Offices (IAO).

[b] Except for IAO-assigned Legal Officers from the Law and Investigation Division (LID) who shall be in close coordination with the IAD in the performance of their duties and responsibilities, the other Designated Heads of the divisions/sections/units (e.g., ARD, ID, LED, CSU, Computer) in the IAO shall be under the direct control and supervision of the concerned IAD, provided, however, that, for purposes of efficient and proper coordination and monitoring, the said other Designated Heads shall regularly furnish its respective Divisions/Sections/Units with copies of its accomplishment/performance reports, incident reports, investigation reports, summaries of information and such other reports and documents relevant to the discharge of their functions, duties and responsibilities.

[c] The Division/Section/Unit Chiefs of the designated heads of division/section/ units in the IAO shall provide and extend personnel and technical support to ensure the effective performance of their respective personnel in the IAO.

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SECTION 9. National Capital Region (NCR) Overall Area Director - In view of the significant number of foreign nationals within the National Capital Region (NCR), there shall be an Overall Immigration Area Director for NCR who shall be under the direct control and supervision of the Executive Director. He shall supervise and monitor the affairs and activities of the NCR-North and NCR-South Immigration Area Offices.

RULE V
IMMIGRATION SERVICES

SECTION 10. Updating of Authorized Stay of Overstaying Foreigners - Concurrent with the function of the Chief of Immigration Regulations Division (IRD) under Personnel Order No. MCL-08-074, dated 16 January 2008, the IAD is likewise authorized to update the temporary visitor's visa under Section 9(a) of the Philippine Immigration Act of 1940, as amended, of a foreigner who have been overstaying in the country for not more than two (2) years. In cases of more than two (2) years overstay, the same shall be referred to the Immigration Commissioner for proper action with appropriate recommendation from the IAD.

SECTION 11. Investigation and Complaints - [a] Investigations and complaints for violations of Commonwealth Act No. 613 (Philippine Immigration Act of 1940), as amended, alien admission and registration laws, and other immigration laws, rules and regulations shall be taken cognizance by the Immigration Area Office where the respondent foreigner is a resident or where the violation was first committed.

> [b] The Area Intelligence operatives shall be responsible in conducting case build- up activities on complaints filed or in cases motu propio investigated by the same upon instructions by the Commissioner, Executive Director or IAD.
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> [c] Except for Mission Orders for the conduct of verification of immigration status of fugitives from justice, INTERPOL cases, and special cases as determined by the Commissioner, the Executive Director, upon favorable recommendation by the IAD, may issue a Mission Order against a foreigner for other violation/s of immigration laws subject to terms and conditions imposed under existing laws, rules and regulations.
>
> [d] The Law Enforcement personnel in the IAO shall implement and enforce Mission Orders, Warrants of Deportation, and such other writs, orders, subpoena and other legal processes of the Bureau. Limited to their area of responsibility, they shall likewise conduct field verification activities on the immigration status of certain foreign nationals upon express directive by the IAD.
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> [e] Immediately upon the custody of a foreigner subject of a Mission Order, the Law and Investigation personnel in the concerned IAO shall conduct a preliminary investigation on the case and issue the corresponding Charge Sheet or Summary Deportation Order if the result of the investigation thereof warrants, or otherwise submit a recommendation to the Commissioner for the dismissal thereof, provided that any of these actions must bear the favorable endorsements of the IAD, Chief of the Law and Investigation Division (LID) and the Executive Director.
>
> [f] The Law and Investigation personnel shall likewise conduct hearings/investigation on complaints/cases referred to by the Area intelligence and Law Enforcement operatives.
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> [g] No foreigner subject of a Mission Order shall be committed for detention or deported unless supported by a Commitment Order or Warrant of Deportation, respectively, issued by the Commissioner.

SECTION 12. Detention Centers - Each IAO shall establish and provide a detention center under the control and supervision by the Civil Security Unit (CSU) of such Office. In areas where the establishment of such center is not feasible, the IAD shall coordinate and make arrangements with the local Bureau of Jail Management and Penology (BJMP) for the purpose.

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SECTION 13. Other functions - All personnel from the different divisions, sections and units designated and assigned to the IAOs shall exercise their respective inherent functions, duties and responsibilities under existing laws, circulars, orders, memoranda, rules and regulations and shall perform such other functions as may be assigned by the Executive Director and/or IAD from time to time.

RULE VI
SUB-PORTS, FIELD AND SATELLITE OFFICES

SECTION 14. Alien Control Officers - The Alien Control Officers (ACOs) shall continue to be under the administrative and operational control and supervision of the Immigration Regulation Division (IRD) and shall continue to exercise direct control and supervision over the day-to-day affairs, activities and personnel in their respective Sub- ports, Field and Satellite Offices.

SECTION 15. Extension of Authorized Stay and Issuance of Special Working Permit (SWP) and Special Study Permit (SSP) - Subject to existing rules and regulations, the Alien Control Officer (ACO) is authorized to extend the authorized stay of the temporary visitor's visa of a foreigner under Section 9 (a) of the Philippine Immigration Act of 1940, as amended, and to issue Special Working Permit (SWP) and Special Study Permit (SSP) within the area of jurisdiction of their respective sub-port and satellite office.

RULE VII
AIRPORT OPERATIONS, BAY SERVICE AND BORDER CROSSING ACTIVITIES

SECTION 16. Airport Operations, Bay Service and Border Crossing Activities - [a] The Bureau's international airport and seaport operations, bay service and border crossing activities shall continue to exercise its mandated functions, duties and responsibilities and shall be under the control and supervision of the Commissioner or of his duly authorized representative.

> [b] In cases where operations and activities of the IAO shall involve and affect specific concerns under the Airport Operations, Bay Service and Border Crossing, the same shall be coordinated with the respective Chiefs thereof.

RULE VIII
FINAL PROVISIONS

SECTION 17. Administrative and Logistical Requirements - [a] The Immigration Commissioner, shall through Personnel Order, designate such personnel from among the divisions/sections/units/offices of the Bureau of Immigration (BI), in such numbers as may be necessary to adequately and efficiently perform the functions of the administrative and technical support staff complement for each IAO.

> [b] Resources and other logistical requirements shall be sourced out from existing budgetary provisions and allocations of the BI, subject to and consistent with existing laws, rules, regulations and relevant accounting and auditing procedures.

SECTION 18. Amendments - From time to time and in the interest of the service, this Implementing Guidelines may be amended by the Bureau.

SECTION 19. Notice - The BI shall notify the public of this Implementing Guidelines, by posting and publishing the same and such appropriate forms and documents issued by virtue hereof in the official BI Website: www.immigration.gov.ph.

SECTION 20. Separability Clause - If any provision in this Implementing Guidelines or application of such provision to any circumstance, is declared invalid or unconstitutional by competent authority, the other provisions

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not affected thereby shall remain valid and subsisting.

SECTION 21. Repealing Clause - All orders, memoranda, circulars, guidelines, rules and regulations inconsistent herewith are hereby repealed or amended accordingly.

SECTION 22. Effectivity - This Implementing Guidelines shall take effect immediately upon approval and posting in the official BI Website.

Let copies of this Order be filed with the Office of the National Administrative Register (ONAR), U. P. Law Center, U. P. Diliman, Quezon City, Philippines.

Adopted: 8 July 2009

(SGD.) MARCELINO C. LIBANAN
Commissioner

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