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APPROVAL, IMPLEMENTATION AND RELEASE OF 9(D) AND 9(G) VISA APPLICATIONS

BI MEMORANDUM ORDER NO. MCL-09-012, June 03, 2009

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The following rules are issued by authority of the Commissioner of Immigration under Commonwealth Act No. 613, Section 3, as amended, to effectively carry-out Republic Act (R.A.) No. 9485 (The 2007 Anti-Red Tape Act) that directs government agencies to: (1) Prevent unnecessary delays; (2) Hasten government transactions and (3)(Provide stiff penalties for non-compliance.

Thus, to expedite the approval, implementation and release of visa applications under C.A. No. 613, Sections 9(d) and 9 (g), as amended:

1. Commercial, non-commercial and (religious-charitable) missionary visa applications shall be resolved by the Board of Commissioners (BOC) convening as a collegial body with a quorum present. The decision of any two members of the BOC shall prevail. For this purpose, the Commissioner of Immigration shall preside as BOC Chairman.

2. Each BOC decision/resolution/order under this Memorandum Order shall state clearly and distinctly the facts and the applicable la w. Individual acts/decisions/resolutions/orders/correspondences by BOC members on matters requiring BOC action are unauthorized, and are hereby set aside.

3. After deliberation, a BOC member shall have within three (3) days to officially submit written separate opinions, comments, etc. concerning a visa application; otherwise, this privilege is waived. For this purpose, the BOC Secretary shall: (i) Receive and attach the BOC member's concerns to the visa application; (ii) Calendar these concerns for immediate BOC resolution; and (iii) Maintain a complete record of BOC deliberations.

4. Commercial, non-commercial and (religious-charitable) missionary visa applications shall be decided within ten (10) days following its submission. The parties shall be notified of the decision personally or registered mail addressed to their counsel on record, if any, or to them.

For this purpose, official written notices of BOC visa-approval/denial shall be immediately sent to parties through the fastest means available by the BOC Secretary, who shall always attach proof of notice on each visa application.

5. The decision of the BOC shall become final and executory ten (10) days after the receipt by the parties, unless an appeal or judicial review, if proper, is perfected. One motion for reconsideration shall be allowed. The motion shall be resolved by the BOC within three (3) days upon submission.

However, the BOC 's findings of fact shall be conclusive, and not subject to review in the absence of fraud, imposition or mistake other than error of judgement in estimating the value or effect of evidence, regardless of whether or not it is consistent with the preponderance of evidence, so long as there is some evidence upon which the finding in question could be made.

6. After deliberations, the BOC Secretary shall immediately prepare and submit a certified official list of BOC-approved visa applications to the Executive Officer, who shall implement/release each BOC-approved

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visa, without further delay, upon the: (i) Appearance of the parties, their counsel, if any, and/or their duly-authorized representatives and (ii) Payment of duly-receipted fees. Unless otherwise expressly authorized by the Commissioner of Immigration, no additional documents shall be imposed by the Executive Officer.

7. The Executive Officer shall submit weekly reports of implemented and unimplemented visas subject of this memorandum to the BOC Secretary and the BI-IDAP Coordinator, for purposes of strictly monitoring and recording empirical/performance indicators.

8. Existing records of unimplemented, deferred-implementation, suspended-release and/ or otherwise unacted, or archived commercial, non-commercial and (religious-charitable) missionary visa applications pending at the Executive Officer and/or Associate Commissioner shall be immediately inventoried and transmitted without further delay to the BOC Secretary, for BOC deliberations. For this purpose, the BOC shall promptly coordinate with the Executive Officer and/or Associate Commissioner concerned.

9. To achieve these objectives, all concerned are hereby enjoined to endeavor faithful observance to this Memorandum Order. Non-compliance shall be dealt with accordingly.

Send copies of this Memorandum Order to the following: (i) Office of the President; (ii) Secretary of Justice; (iii) Associate Commissioners, this Bureau; (iv) Executive Director, this Bureau; (v) Secretary, Board of Commissioners, this Bureau; (vi) BI-IDAP Coordinator; (vii) PAGC and (viii) The National Administrative Register, U. P. Law Center, Quezon City.

This Memorandum Order shall take effect immediately.

Adopted: 03 June 2009

(SGD.) MARCELINO C. LIBANAN
Commissioner

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