INSTITUTING THE BUREAU OF IMMIGRATION’S REWARD AND INCENTIVE PROGRAM TO BE KNOWN AS “SA IMMIGRATION MAGSUMBONG” AND PRESCRIBING THE RULES AND PROCEDURES NECESSARY THEREFOR

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WHEREAS, the Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration Laws, rules and regulations, alien admission and registration laws, in accordance with the provisions of the Philippine Immigration Act of 1940, as amended (Section 31, Chapter 10, Title III, Book IV, Administrative Code of 1987);

WHEREAS, foreign nationals who are in temporary sojourn in the country have the obligation to update their temporary visitor's visa, otherwise they shall be considered as overstaying foreign nationals in violation of Section 37(a)(7) of Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940;

WHEREAS, extensions of stay are a matter of grace which should be strictly interpreted[1] and it is not a ministerial duty on the part of the Commissioner to extend the stay of a temporary visitor[2], thus, the grant or denial of applications for extension of stay is subject to the Commissioner's exercise of sound discretion based on reciprocity and dictates of public policy and public welfare;

WHEREAS, Immigration Memorandum Circular No. SBM-2013-003[3] encouraged overstaying foreign nationals to voluntarily report to BI Offices to extend and update their stay, thus, resulting in their being properly identified and monitored as well as increased collections from immigration fees and penalties;

WHEREAS, on 19 June 2014, the BI instituted an Assisted Voluntary Return Program (AVRP) that expanded the coverage of Immigration Memorandum Circular No. SBM-2013-003 to include foreign nationals not qualified thereto but desire to update their stay and leave the country through lawful and regular means without apprehension of being subjected to forced removal through deportation;

WHEREAS, in both instances, foreign nationals found to be overstaying by virtue of a complaint, investigation or Mission Order regardless of the period of overstay shall be referred for deportation;

WHEREAS, under the BI "Alien Registration Program (ARP)"[4], all foreign nationals, whether documented or undocumented, who shall apply for registration with the BI during the period from 01 October 2014 to 30 September 2015 may be recommended for waiver from prosecution for immigration-related offenses and be primary beneficiaries of future social integration/legalization programs of the government;

WHEREAS, notwithstanding the foregoing programs to encourage foreign nationals to voluntarily update their authorized stay, there is still a need to maximize operations to eliminate overstaying foreign nationals in the country and one way to achieve this objective is to incentivize any person to report to the BI any overstaying

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foreign national and-such report shall result in the apprehension of such foreign national;

NOW, THEREFORE, pursuant to Section 3 of the Philippine Immigration Act of 1940, as amended, authorizing the Commissioner of Immigration to issue such rules and regulations he deems necessary for the implementation of all immigration laws and on all matters within the BI's jurisdiction, the following are hereby promulgated:

Section 1. Institution of the Program. - There is hereby instituted a REWARDS AND INCENTIVE TO REPORT ILLEGAL FOREIGN NATIONALS PROGRAM granting monetary incentive to any person who shall report to the BI any overstaying foreign national and such report shall result in the apprehension of such foreign national, hereinafter referred to as the "SA IMMIGRATION MAGSUMBONG" Program.

Section 2. Coverage. - This Program shall only apply to temporary visitors or tourists who have stayed in the country beyond their authorized stay or commonly known as "overstaying aliens".

Reports alleging other violations of immigration laws, rules and regulations[5] shall be taken cognizance of and investigated by the Intelligence Division; Provided that, the informant shall not be entitled to the incentive granted under this Program by reason of said report; Provided, further, that if upon verification and investigation of such report, the foreign national is likewise an "overstaying alien" among his/her other violations, the provisions of this Circular shall apply.

Section 3. Reporting Process. - Any person who has personal knowledge of the presence in the country of any overstaying foreign national may report such fact to the BI National Operations Center (BINOC) by sending a text message, through mobile phone short message service (SMS), to any of the following mobile phone numbers:

SMART - +63 908 894 6644
SUN - +63 932 894 6644
GLOBE - +63 917 573 3871

The text message shall specifically contain information in the following format:

SIM FULL NAME OF FOREIGNER COMPLETE ADDRESS NAME OF INFORMANT

Section 4. Duties of the BINOC. - The BINOC shall perform the following activities:

a)

Immediately reply to any SMS by acknowledging receipt thereof to the informant with statement that such report shall be verified and validated and forward the report to the Intelligence Division;

b)

Upon validation of the information from the Intelligence Division, inform the informant of the result of the verification and investigation, and if the same resulted in the apprehension of the foreign national, request information from the informant on how the incentive can be remitted to him/her; Provided, that all communications to and from the informant shall be through SMS only and no voice calls shall be allowed or entertained; and

c)

Submit a daily report of all text messages received in connection with the Program to the Office of the Commissioner and Chief, Alien Registration Division CARD).

Section 5. Duties of the Intelligence Division (ID). – Upon receipt of the report from the BINOC, the ID shall perform the following activities:

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a)

Verify the admission, stay and immigration status of the reported foreign national through the BI's Centralized Query Support System (CQSS) and other available databases of the BI,

b)

Recommend to the Commissioner the issuance of a Mission Order to conduct verification and investigation against the reported foreign national, and if indeed found to be overstaying, to effect warrantless arrest in accordance with Section 113 of the Rules of Court and bring him to BI for appropriate action, otherwise recommend for the dismissal of the report;

c)

Submit an After Mission Report and Affidavit of Arrest and endorse the same to the Legal Division; and

d)

Inform the BINOC of the result of the verification and investigation.

Section 6. Duties of the Legal Division (LD). - Upon receipt of the endorsement from ID, the LD shall perform the following activities:

a)

Prepare the appropriate Charge Sheet and Summary Deportation Order (SDO) for review and approval by the Board of Commissioners (BOC) through a Special BOC Meeting, if necessary;

b)

Obtain NBI Clearance, air passage ticket and necessary travel documents;

c)

Implement the SDO through the LD's Deportation Implementation Unit (DIU) within five (5) working days from actual custody; and

d)

Recommend to the Commissioner the payment of the incentive to the informant.

Section 7. Confidentiality of Information. - All information received by the BINOC and ID shall be treated with utmost confidentiality. For this purpose, the Commissioner shall designate responsible personnel of BINOC and ID who shall have exclusive access to information received and gathered under this Program.

Any violation of this provision shall be dealt with administratively without prejudice to other sanctions as may be imposed in accordance with existing laws, rules and regulations.

Section 8. Incentive. - Any report of an overstaying foreign national which resulted to the apprehension of such national shall entitle the informant an incentive of Two Thousand Pesos (Php2,000.00), Philippine currency, to be source from the Bureau's Confidential Funds and disbursed in accordance with existing government accounting and auditing rules and regulations; Provided, that employees and personnel of the BI and other government law enforcement agencies shall be disqualified from receiving the incentive.

Section 9. Reportorial Requirements. - The BINOC, ID and LD shall submit a Monthly Consolidated Report of all activities undertaken in relation to this Circular, the consolidation of which shall be the responsibility of the

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Intelligence Division.

Section 10. Repealing Clause. - All previous issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 11. Effectivity. - This Circular shall take effect immediately.

Furnish a copy of this Order to the Office of the National Administrative Register (ONAR), U.P. Law Center, Diliman, Quezon City.

27 October 2014

(SGD) SIEGFRED B. MISON
Commissioner

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[1] Vivo v. Arca, 9 SCRA 878.

[2] Guam v. Commissioner of Immigration, 15 SCRA 451.

[3] Policies and Guidelines on the Extension and Updating of Temporary Visitor's Visa (TVV) issued on 23 December 2013.

[4] Immigration Memorandum Circular No. SBM-2014-011 dated 18 August 2014.

[5] Working without visa or permit, fugitive from justice, undesirability, etc.

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