

RULES AND PROCEDURES ON THE RELEASE OF CASH BOND

BOI Immigration Memorandum Circular No. SBM-2015-009, September 15, 2015

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Adopted: 15 September 2015

Date Filed: 16 September 2015

Pursuant to Book IV, Chapter 6 Section 29 and 36(2) of Executive Order No. 292 as amended otherwise known as the “Administrative Code of 1987” in relation to Section 3 and Section 40 of Commonwealth Act No. 613 as amended, otherwise known as the “Philippine Immigration Act of 1940” the following rules and procedures are hereby promulgated to govern the release of cash bonds posted by foreign nationals:

Section 1. Coverage – This rules and procedures shall govern the release of cash bonds posted in the following cases:

- To control and regulate the admission into and departure from the Philippines of foreign nationals applying for temporary admission;
- To insure against foreign nationals liable to be excluded as likely to become public charges, from becoming public charges; and
- To insure the appearance of foreign national released from custody during the course of deportation proceedings instituted against them.

Section 2. Release of Cash Bond – Cash bonds may be released upon the following circumstances:

- When the conditions of the cash bond are fulfilled;
- In the case of a bond posted to insure against a foreign national becoming a public charge, when the Commissioner shall determine that the likelihood no longer exists;
- In the event of the naturalization of the foreign national as a Philippine citizen;
- Death of the foreign national in whose behalf the bond is posted;
- Upon the actual deportation of the foreign national; or
- Upon the dismissal of the deportation case against the foreign national.

Section 3. Documentary Requirements – The following documents shall be submitted for the application for release of the cash bond:

- Letter-Application for the release of cash bond addressed to the Commissioner duly signed by the depositor or his duly authorized representative;

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If the application is filed by a representative, he/she shall submit a: (i) Special Power of Attorney valid for six (6) months from date of issue; (ii) photocopy of depositor’s valid ID; and (iii) photocopies of representative’s two

(2) valid IDs;

- Photocopy of Order directing the posting of cash bond;
- Photocopy of the BI Official Receipt of cash bond deposit; and
- Any proof of compliance or fulfillment of the conditions of the cash bond.

Section 4. Period to File Application – An Application for release of cash bond shall be filed within one (1) year from the occurrence of any of the circumstances enumerated in Section 2 of the Circular, otherwise the cash bond shall be forfeited in favor of the government.

This condition shall form part of the depositor's undertaking in posting of the cash bond.

Section 5. Procedures – The following procedures shall be observed in the processing of application for release of cash bond;

- Duties of the Central Receiving Unit (CRU) – Upon filling of the application:
 - Evaluate as to the completeness of the documentary requirements;
 - If the application is complete and in order, transmit to Legal Division within one (1) working day from filing thereof, otherwise, the same shall be returned to the applicant for completion.
- Duties of the Legal Division (LD) – Within five (5) working days from receipt of the application:
 - Verify the authenticity and veracity of the application and supporting documents submitted;
 - Evaluate the compliance and fulfillment of the conditions of the cash bond;
 - Prepare recommended Order to the Commissioner's appropriate action which shall specifically identify the payee of the check representing the cash bond for release.
- Duties of the Office of the Commissioner (OCOMM) – Within one (1) working day from receipt thereof, submit the recommended Order to the Commissioner for appropriate action.
- Duties of the Finance and Management Division (FMD) – Within three (3) working days from receipt of the Order granting the release of cash bond, prepare and issue the corresponding check to the depositor or his duly authorized representative subject to the usual government accounting and auditing laws, rules and regulations.

Section 6. Reportorial Requirements – The FMD shall submit a monthly report to the Commissioner of all released cash bonds.

Section 7. Repealing Clause – This Circular repeals Operations Order No. SBM-2014-052. All other circulars, orders, memoranda and other issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 8. Effectivity – This order shall take effect after publication in a newspaper of general circulation.

Let a copy of this Circular be furnished to the Office of the National Administrative Register (ONAR) UP Law Center, University of the Philippine Diliman, Quezon City.

City of Manila Philippines.

15 September 2015

(SGD) SIEGFRED B. MISON
Commissioner

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