BUREAU OF IMMIGRATION OMNIBUS RULES OF PROCEDURE OF 2015

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WHEREAS, there is a need to consolidate existing guidelines on deportation and lay down the rules on cancellation of visas and other related proceedings for consistency and to remove overlaps;

NOW, THEREFORE, pursuant to the rule-making authority of the Commissioner of Immigration under Section 3 of Commonwealth Act No. 613, as amended, the following Bureau of Immigration (BI) Omnibus Rules of Procedure of 2015 are hereby promulgated to govern legal proceedings in the Bureau of Immigration:

PART I PRELIMINARY CONSIDERATIONS

RULE 1
GENERAL PROVISIONS

Section 1. Title. - These Rules shall be known and cited as the “Bl Omnibus Rules of Procedure of 2015”.

Section 2. Scope. - These Rules shall apply to legal proceedings in the Bureau of Immigration involving: (i) deportation; (ii) cancellation of visa; (iii) inclusion/lifting of name/s in the BI derogatory list; and (iv) issuance of Allow Entry Order (AEO) or Allow Departure Order (ADO).

Section 3. Applicability of the Rules of Court. - In the absence of any applicable provision in these Rules, the Rules of Court shall apply in suppletory manner.

Section 4. Documents to Support Complaint, Petition, Request. - Any complaint, petition, request, pleading and motion filed by any interested party shall contain as annexes such documents as he may deem supportive of his allegations.

Section 5. Certification for Initiatory Pleading and Proof of Payment. - The complainant, petitioner or requesting party shall certify under oath in the complaint, petition or other pleading initiating a proceeding covered by these Rules, or in an annexed sworn certification that: (i) to the best of his knowledge, no other action or claim involving the Respondent is pending in any court, tribunal, or quasi-judicial agency; (ii) if there is such other pending action or claim, a complete statement of the present status thereof; and (iii) if he should thereafter learn that such action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the BI.

Proof of payment of filing fees and other applicable fees and charges shall be attached to the initiatory pleading.

Section 6. Prohibited Pleadings. - The following pleadings are prohibited:

a. Motion to dismiss, except on the ground of lack of jurisdiction;
b. Motion for bill of particulars;

c. Petition for relief from judgment;
d. Motion for extension of time to file answer, memorandum position paper or other written submissions, except for exceptionally meritorious grounds;
e. Motion for postponement, except for exceptionally meritorious grounds;
f. Intervention;
g. Motion to hear affirmative defenses; and
h. Any pleading or motion which has the same or similar effect as of the foregoing.

The submission of the prohibited pleadings shall be considered as the
Respondent's Answer to the complaint/petition.

Section 7. Construction. - These Rules shall be liberally construed to promote a just, speedy and inexpensive disposition of every action and proceeding covered herein.

Section 8. Modes of service. - Service of judgments, including notices, orders and other papers from the BI, shall be made either through: (i) personal service through an authorized BI personnel; (ii) registered mail in accordance with Rule 13, Sec. 13 of the Rules of Court; or (iii) through an authorized private courier.

Section 9. Jurisdiction. - Subject to the exercise of the powers vested upon the President and/or the Secretary of Justice, decisions in the legal proceedings on deportation and cancellation of visa shall be rendered by the Board of Commissioners (BOC).

The BOC shall convene and act as a collegial body in rendering a decision. The Commissioner or in his absence, the Acting Commissioner, shall serve as Chairman thereof. The decision of the majority shall prevail. The presence of the Chairman and one (1) Member shall constitute a quorum. The BOC shall meet in such regularity as may be determined by the Commissioner.

PART II PROCEDURE IN DEPORTATION

RULE 2
COMMENCEMENT OF DEPORTATION PROCEEDINGS

Section 1. Deportation defined. - Deportation is an act by or under the authority of the State of removing a foreigner from Philippine territory. It applies to a foreigner whose presence in the Philippines is found to be injurious to national interest, public health, public safety and public interest.

Section 2. Nature and Conduct. - Deportation proceedings are administrative in character. Subject to the requirement of due process, the deportation proceedings shall be conducted for the purpose of ascertaining the truth without necessarily adhering to technical rules of judicial proceedings.

Section 3. Who may be Deported. - An action for deportation may be commenced by a verified complaint in the name of a private citizen or the Republic of the Philippines against any foreigner for grounds as provided for by relevant laws.

Section 4. Initiation of Action for Deportation. - An action for deportation may be commenced against any foreigner for grounds as provided for by relevant laws.

All complaints shall be filed with the Office of the Commissioner (OCOM), through the Central Receiving Unit (CRU), in two (2) copies plus such number of copies as there are respondents. The CRU shall docket the complaint and assign the corresponding docket number as follows: "BI Depo. No. Year-Month-Date- Series

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Number". All complaints shall be chronologically docketed in the order of the date that the same are filed and received.

Section 5. Sufficiency in Form of Complaint. - Complaint filed by private persons shall be under oath. If filed through counsel, the same shall be verified. The Complaint shall state: (i) the full name of the complainant and his postal address; (ii) the name of the Respondent foreigner, his known alias/es, if any, his given or last known address; and (iii) a concise statement of the ultimate facts constituting the deportation offense alleged to have been committed. The Complaint shall contain as annexes such documents and papers that the Complainant deems as supportive of his allegations.

Complaints initiated by way of an internally generated report or referral from a government office need not be verified but must state the required information in the immediately preceding paragraph.

Section 6. Anonymous Complaints. - No anonymous complaint including that where the address of the complainant is not indicated, shall be entertained unless there is evident merit to the allegations as supported by documentary or direct evidence.

Section 7. Action on the Complaint. -

a. If the Complaint is found to be sufficient in form, preliminary investigation shall commence pursuant to Rule 3.
b. In case the Complaint fails to comply with the required form under Rule 2, Section 6, the Complaint shall be dismissed.
c. A Complaint alleging a crime or felony other than the specific offenses mentioned in Section 37(a) of Commonwealth Act No. 613, as amended, shall be recommended for immediate dismissal. Such complaint may be referred by the BI to appropriate government agency.

A complaint for sum of money not constituting a ground for deportation under Section 37(a) of Commonwealth Act No. 613, as amended, shall be recommended for immediate dismissal.

Section 8. Withdrawal of the Complaint. - The withdrawal of the complaint shall not automatically cause the dismissal thereof. When there is evident merit to the complaint, the same shall be given due course notwithstanding the withdrawal.

RULE 3
PRELIMINARY INVESTIGATION

Section 1. Preliminary Investigation; Purpose. – Upon referral of the complaint, the Legal Division through the Special Prosecutor shall conduct a preliminary investigation, which shall not exceed sixty (60) days from referral, to determine whether there is sufficient ground to engender a well-founded belief that a violation of the immigration law has been committed and that the Respondent is probably guilty and should be charged.

Section 2. Procedure. - The preliminary investigation shall be conducted as follows:

a. In case the Complaint is patently without merit, the Special Prosecutor shall within ten (10) days from referral, recommend its dismissal. Such recommendation shall be forwarded to the Chief, Legal Division for review who shall forward the same to the Commissioner for approval/ disapproval.
b. In case the Complaint deserves due course, the Special Prosecutor shall within two (2) days from assignment, issue an Order directing the Respondent to submit his Answer in the form of a Counter-Affidavit or Memorandum with supporting documents/papers within ten (10) days from receipt with proof of service thereof to the Complainant.
c. Within ten (10) days from submission of the Answer or when none is filed, the Special Prosecutor shall

resolve the complaint and determine if there is sufficient evidence to issue a Charge Sheet.

RULE 4
THE CHARGE SHEET

Section 1. Charge Sheet. - A Charge Sheet is an accusation in writing issued by the Special Prosecutor and approved by the Chief, Legal Division, charging a foreigner with violation of immigration laws.

To prevent the Respondent from leaving the country or from adjusting his immigration status, the Charge Sheet shall contain an order including the foreigner's name in the BI derogatory database (Watchlist Order).

Section 2. Form of Charge Sheet. - The Charge Sheet shall be written in clear, simple and concise language as to sufficiently inform the Respondent of the nature of the charge against him and to enable him to prepare for his defense.

Section 3. Sufficiency of the Charge Sheet. - The Charge Sheet is sufficient if it states the: (i) name and nationality of the Respondent; (ii) the designation of the violation, (iii) the acts constituting the violation; (iv) approximate date of the commission of the violation; and (v) the place where the violation is committed.

If the Respondent's name as appearing in his passport cannot be determined, he shall be referred to by his alias with the statement that his true name is unknown at the time of the filing of the Charge Sheet.

Where the violation is committed by more than one foreigner, the Charge
Sheet shall include all of them.

Section 4. Preparation of the Mission Order upon Issuance of the Charge Sheet. - Upon the Legal Division's issuance of the Charge Sheet, the Special Prosecutor shall prepare the Mission Order for the signature of the Commissioner.

Section 5. Effect of Petition for Habeas Corpus. - The filing of the Petition for the Issuance of a Writ of Habeas Corpus shall not suspend the deportation proceedings unless the Court issues a Temporary Restraining Order (TRO) or an Injunction Order.

RULE 5
MISSION ORDER

Section 1. Authority to Issue Mission Orders Pursuant to Executive Order No. 287, s. 2000. - Upon a well-founded and reasonable determination based on available and verifiable civilian, immigration, law enforcement, or military intelligence report that a foreigner has committed, is actually committing or is about to commit a violation of immigration laws, or any of the Philippine laws, rules and regulations, which may constitute grounds for deportation, the Commissioner, or in his absence, the Acting Commissioner, in the interest of national security, public health, public safety and/or national interests, may issue a Mission Order directing appropriate officers of the Bureau of Immigration to conduct verification and investigation operations against the foreigner concerned, and if probable cause exists, to effect a warrantless arrest of such foreigner in accordance with Section 5, Rule 113 of the Revised Rules of Criminal Procedure, if found in flagrante violating Philippine Immigration laws.

Section 2. Contents and Validity of a Mission Order. – A Mission Order shall be valid for seven (7) working days from its issuance and shall contain the following information:

a. Full name, known alias/es, if any, specific address/es and other known personal circumstances of the subject

foreigner;
b. Complete names and designation of the BI Personnel who will serve and execute the Mission Order;
c. Date of issuance of the Mission Order; and
d. A directive to the BI personnel to conduct verification and investigation operations against the foreigner concerned, and if probable cause exists, to effect a warrantless arrest of such foreigner in accordance with Section 5, Rule 113 of the Revised Rules of Court, if found in flagrante violating Philippine Immigration laws.

Section 3. Service and Execution of Mission Order. – Only duly authorized permanent/organic personnel of the BI or permanent government personnel on detail to the BI shall serve and execute the Mission Order against the subject foreigner.

Provided, that, assistance may be sought from other law enforcement officers if the circumstances so warrant.

No Mission Order shall be served and executed on Saturdays, Sundays, non-working holidays or during non-office hours, unless the subject foreigner is a fugitive from justice or is engaged in acts inimical to the country's peace and security as the Commissioner may determine.

Section 4. Procedure in carrying out Mission Order. – The Mission Order shall be carried out without delay and with due regard to the human rights of the foreigner. If probable cause exists to effect a warrantless arrest of the foreigner, the arresting officers shall advise the latter of his rights under Republic Act No.
7438, including but not limited to his: (i) right to know the reason for his arrest; (ii)
right to counsel of his own choice; and (iii) right to remain silent.

On the day of the arrest, the arresting officers shall bring the foreigner to the Intelligence Division for booking, imaging, fingerprinting and records check. The Chief of the Intelligence Division, or his duly authorized representative, shall inform the foreigner's embassy or consular office in the Philippines, if there is any, of the arrest.

Section 5. Duties of the Arresting Officers, Intelligence Division. Post Mission Report. - The arresting officers shall, within eighteen (18) hours from the time of arrest, prepare three (3) sets of the case record. The case record shall be brought to the OCOM Receiving Unit, for docketing purpose, which shall include:

a. Post Mission Report with an Affidavit of Arrest specifically and clearly stating the ground, date, time, place and manner of arrest;
b. Mission Order and the Intelligence Report which became the basis for the issuance of such Mission Order;
c. Complete inventory of the properties, things and papers, including immigration documents, provisionally taken from the foreigner, if any;
d. The foreigner's biometric data and medical report;
e. Other relevant documents.

The OCOM shall retain one (1) set of case record while the Legal Division shall retain two (2) sets.

The OCOM Receiving Unit, after docketing the case records, shall immediately forward the same to the Legal Division.

Section 6. Duties of the Special Prosecutor. - The Chief, Legal Division, shall immediately assign the case record to a Special Prosecutor. The Special Prosecutor shall then conduct an investigation and shall have thirty six (36) hours from the time of arrest to recommend the foreigner's release or to file a Charge Sheet. The Charge Sheet shall be subject to the approval of the Chief, Legal Division. The Order of Release shall be subject to the approval of the Commissioner.

The foreigner, or his counsel, if any, and his embassy shall be provided with the copies of the Charge Sheet or

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Order of Release.

Before the Charge Sheet is filed, the arrested foreigner may ask for a preliminary investigation under Rule 3, but he must sign a waiver of the provisions of Article 125 of the Revised Penal Code in the presence of his counsel. The investigation must be terminated within fifteen (15) days from its inception.

Section 7. Turn-Over to the BI Warden Facility. - After the conduct of the investigation and the Special Prosecutor deems the necessity of filing a Charge Sheet, the Intelligence Division shall turn-over the foreigner's custody to the Warden, BI Warden Facility (BIWF).

Section 8. Duties of the BIWF. - Prior to receiving custody of the arrested foreigner, the Warden, or his duly authorized agent, shall register the following entries in its official logbook:

a. Complete names of all the BI personnel who turned-over the foreigner's custody;
b. Personal circumstances of the arrested foreigner;
c. Copy of the Mission Order and Affidavit of Arrest;
d. Original copy of the Commitment Order issued by the Commissioner or his duly authorized representative; and
e. Complete inventory of the foreigner's properties, things and papers that will be turned over to the Warden.

Section 9. Turn-Over to the BIWF in Case of Lack of Time. - In case of lack of material time for the arresting officers to bring the foreigner to the OCOM and the Legal Division for investigation on the same day of his arrest, the foreigner shall immediately be delivered and committed to the nearest BIWF.

The arresting officers shall still comply with the eighteen (18) hour period to prepare the three (3) sets of the case record under Section 5 of this Rule. The arresting officers shall then submit three (3) sets of case record to the OCOM Receiving Unit, as soon as practicable.

Prior to receiving custody of the foreigner from the arresting officers, the Warden, or his duly authorized agent, shall comply with Section 8 of this Rule. Likewise, the Warden shall demand a copy of the case record.

The Warden shall deliver the arrested foreigner to the Legal Division for investigation in the immediately following working day.

In case the immediately following working day will go beyond the thirty six (36) hour period, the Chief, Legal Division, shall assign a Special Prosecutor to conduct an investigation at the BIWF.

The Special Prosecutor shall comply with Section 6 of this Rule.

RULE 6
PROCEEDINGS BEFORE THE BOARD OF SPECIAL INQUIRY

Section 1. Endorsement of Original Records to the Board of Special Inquiry (BSI) and Assignment of Case. - Within fifteen days (15) days from issuance of the Charge Sheet, the Chief, Legal Division shall endorse to the Chief, BSI the case record consecutively and chronologically numbered with attached Prosecutor's Memorandum. The endorsement shall indicate the total number of pages of the case record. The Memorandum shall set forth the facts and the law relied upon with attached original or certified true copies of documentary evidence, if any. Immediately upon receipt thereof, the Chief, BSI shall assign the deportation case to one of its members for the resolution of the deportation case.

Section 2. Submission of Memoranda. - The Member of the BSI to whom the deportation case is assigned shall,

within two (2) days, issue an Order directing the Respondent to submit his written memorandum within a non-extendible period of fifteen (15) days from receipt. Rebuttal or sur-rebuttal Memorandum shall be prohibited.

Section 3. Draft Decision. - Within fifteen (15) days from the time of filing of the Memorandum or the expiration of the period to file the same, the Member of the BSI with the approval of the Chief, BSI shall prepare the draft decision and forward the same to the Board Secretary's Office.

The BSI shall maintain a chronological file of all draft decisions submitted to the BOC.

Section 4. Duty of the Board Secretary. - Upon receipt of the draft decision attached to the case records, the Board Secretary shall include the same to the next scheduled agenda for the BOC to resolve.

In cases involving complicated issues and/or voluminous records, the BOC
may defer the resolution of the case on the next scheduled agenda.

RULE 7
BAIL

Section 1. Bail. A foreigner under arrest in a deportation proceeding may be released under cash bond or government issued security/guarantee and under such other conditions that the Commissioner may impose.

Section 2. Petition for Bail. - At any time after his arrest but before the finality of the deportation order (which includes the re-opening of a deportation case) and as long as the deportation records are with the BI, the foreigner may file before the Commissioner a verified Petition for Release on Bail with attached supporting evidence, if any.

The Petition shall include an Undertaking that that: (i) Respondent is ready, willing and able to post the required cash bond to be imposed; (ii) he shall present himself with or without counsel in any hearing or proceeding before the BI; (iii) Respondent shall keep the Commissioner duly informed in writing of his residence in the Philippines and of his other whereabouts on a periodic basis as the Commissioner finds necessary; (iv) he shall not leave the Philippines without securing an Allow Departure Order from the Commissioner; (v) Respondent shall allow authorized BI personnel to conduct periodic visits to his residence in the Philippines; and (vi) he shall secure a one-way ticket from Manila to his country of citizenship/origin which shall be used in the event of his deportation.

The Legal Division shall be given five (5) days within which to submit its Recommendation thereto. The Commissioner shall resolve the petition within ten (10) days from receipt of the Legal Division's Recommendation or upon the lapse of the said period to submit said Recommendation.

Section 3. Factors in Granting or Denying Bail. – In resolving the Petition for Bail, the Commissioner may consider the following factors:

a. the nature of the deportation charge;
b. the immigration status of the foreigner;
c. the physical condition and age of the foreigner;
d. humanitarian considerations;
e. such other circumstances that will guide the Commissioner in determining whether or not the foreigner is a flight risk and/or a threat to public interest.

Section 4. Conditions of Bail. - The bail granted to a foreigner are subject to the following conditions:

a. the foreigner shall appear before the Intelligence Division, Legal Division, BSI, and BOC whenever so

required;
b. the failure of the foreigner to appear at any hearing shall be deemed an express waiver of his right to be present and the hearing shall proceed in absentia;
c. the foreigner shall surrender himself for execution of the deportation order;
d. the bond shall answer for all expenses incident to the re-arrest of the foreigner should he fail to appear before the BI, and for all other expenses incurred in connection with his deportation;
e. his undertakings in his Petition for Release on Bail shall be in force and effect at all the stages of the deportation proceedings until its finality;
f. The Commissioner shall impose such other terms and conditions necessary to insure the foreigner's appearance.

Section 5. Inclusion in the Hold Departure List. - The Order granting the Petition for Release on Bail shall include a directive including the foreigner's name in the Hold Departure List and requiring the foreigner to surrender his original passport/travel document to the Legal Division or BSI. The passport/travel document shall be attached to the case record.

Section 6. Release on Bail. - The Chief, Legal Division, shall prepare a written transmittal to the Warden of the BIWF endorsing the following:

a. Copy of the Order granting the Petition for Bail;
b. Photocopies of the Official Receipts of the foreigner's cash bond; and
c. Certification from the Chief, Legal Division, that all of the required conditions for his release have been complied with.

Section 7. Forfeiture of Bond and Re-arrest of Foreigner. - In case of failure to comply with the conditions of the bail, the bond shall be forfeited in favor of the BI.

The foreigner released on bail who fails to comply with the conditions of the bail or attempts to escape may be re-arrested without the necessity of a warrant for his arrest.

Section 8. Cancellation of Bail. - The bail shall be canceled and the bond returned to the foreigner or his/her duly authorized representative, subject to the usual government and auditing procedures: (i) upon the death of the foreigner; or (ii) upon the deportation of the foreigner; or (iii) upon the dismissal of the deportation case.

RULE 8
VOLUNTARY DEPORTATION

Section 1. Voluntary Deportation; When Allowed. - Voluntary deportation shall be allowed when the foreigner does not contest his deportation charges and waives his right to appeal the deportation order. A foreigner who requests voluntary deportation shall be charged, detained and deported.

A notarized request for voluntary deportation by the foreigner shall be granted provided there is no pending criminal investigation or case against him. Voluntary deportation shall not be allowed as a means of evading criminal prosecution.

Section 2. Voluntary Surrender and Voluntary Deportation of a Foreigner with Fake Immigration Stamps &/or Fake ECC - A foreigner with fake immigration stamp(s) and/or fake Emigration Clearance Certificate (ECC) who voluntarily surrenders and requests voluntary deportation will be investigated, charged and deported. Provided, his deportation case may be dismissed upon:

a. A substantive reason to believe respondent is a victim, in good faith and without intention to violate immigrations laws and rules;

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b. Payment of visa extension fees in arrears/overstaying fees, if applicable;
c. Payment of P10,000 by way of Immigration Arrears Release Certificate (lARC); and
d. Execution of an Affidavit identifying the person/s involved and willingness to be a witness in all administrative proceedings.

Section 3. Period to Decide the Case. - The Legal Division shall prepare, within three (3) days from receipt of the request for voluntary deportation, the Voluntary Deportation Order (VDO) and shall forward the same to the BOC Board Secretary.

Upon receipt of the draft VDO attached to the case records, the Board Secretary shall include the same to the next scheduled agenda of the BOC for resolution.

Section 4. Nature of the Voluntary Deportation Order. – A VDO shall be immediately final and executory.

Section 5. Effect of Voluntary Deportation. - A voluntary deportation shall bar the foreigner concerned from re-entry into the country and his name shall be included in the BI Blacklist.

RULE 9
SUMMARY DEPORTATION

Section 1. Summary Deportation, When Allowed. - Summary deportation proceedings shall apply when the foreigner is: (i) overstaying found by virtue of a complaint or Mission Order; (ii) undocumented; (iii) a fugitive from justice; (iv) has fully served the sentence in a crime which carries with it the penalty of deportation after service of sentence; and (v) has fully served the sentence for the crimes mentioned in Section 37(a)(3) and 37(a)(10) of the Philippine Immigration Act, as amended.

However, summary deportation shall not be allowed as a means of evading criminal prosecution.

Section 2. a) Overstaying Foreigner. - An overstaying foreigner refers to a foreigner with expired visa despite validly-issued passport/travel documents found by virtue of a complaint or Mission Order.

b) Undocumented Foreigner. - An undocumented foreigner refers to: (i) a foreigner without validly issued passport/travel document; or (ii) a foreigner with cancelled or expired passport.

c) Fugitive from justice. - A fugitive from justice refers to a foreigner who has been tagged as such by the authorized personnel of a foreign embassy or by the International Police and whose passport is cancelled by his embassy/consulate.

Section 3. Assisted Voluntary Return Program – Except those overstaying foreigners found by virtue of a complaint or Mission Order, an overstaying foreigner may avail of the Assisted Voluntary Return Program under Immigration Memorandum Circular No. SBM-2015- .

Section 4. Application of Rule 2 on Commencement of Deportation Proceedings and Rule 3 on Preliminary Investigation. - Unless otherwise provided, the Rules on Commencement of Deportation Proceedings and Preliminary Investigation shall apply in case of a foreigner who is: (i) overstaying; and (ii) undocumented.

Section 5. Period to Decide the Case - Upon drafting of the Charge Sheet, the Legal Division shall draft the SDO and shall forward the same to the Board Secretary.

Upon receipt of the draft Summary Deportation Order (SDO) attached to the case record, the Board Secretary shall include the same to the next scheduled agenda for the BOC to resolve.

Section 6. Duties of the OCOM When a Foreigner is a Fugitive or Has Served His Sentence. - Within twenty four

(24) hours from receipt of the letter or records ("fugitive/criminal file") from the authorized personnel of a foreign embassy or the International Police informing that a certain foreigner is a fugitive and whose passport is cancelled, the OCOM shall indorse the fugitive file to the Legal Division with copy furnished to the Intelligence Division. The OCOM Receiving Unit shall docket the complaint and assign the corresponding docket number as follows: "BI S.D. No. Year-Month-Series Number".

The same period and requirements apply to a foreigner (i) who has fully served the sentence in a crime which carries with it the penalty of deportation after service of sentence or (ii) who has fully served the sentence for the crimes mentioned in Section 37(a)(3) and 37(a)(10) of the PIA, as amended.

Section 7. Duties of the Intelligence Division When a Foreigner is a Fugitive or Has Served His Sentence. - Upon receipt of the fugitive/criminal file (either from OCOM or from the third party source), the Intelligence Division shall immediately coordinate with the appropriate foreign embassy, International Police or law enforcement agency to effect the search and capture or turn-over of the foreign fugitive/criminal.

In cases when the location of the foreign fugitive/criminal has already been established and a warrant of deportation is yet to be issued, the Intelligence Division shall request for a Mission Order within twenty four (24) hours.

The Intelligence Division shall be the office of primary responsibility of coordinating with the appropriate foreign embassy, International Police, National Bureau of Investigation (NBI) and other law enforcement agencies.

Within eight (8) hours from arrest or turn-over, the Intelligence Division shall forward to the Legal Division all the relevant documents and papers such as, but not limited to: (1) Mission Order; (2) After-Mission Report; (3) Affidavit of Apprehension, (4) Commitment Order, (5) Receipt of Custody, (6) biometric data and (7) medical report, that it will acquire in relation to the deportation case of the foreign fugitive/criminal. The same shall form part of the fugitive/criminal file.

Section 8. Duties of the Legal Division When a Foreigner is a Fugitive or Has Served His Sentence. - Within forty eight (48) hours from receipt of the fugitive/criminal file from the OCOM, the Legal Division shall draft and submit to the Office of the Board Secretary the following documents for appropriate action:

a. Charge Sheet;
b. Summary Deportation Order;

c. Warrant of Deportation; and
d. Request for NBI Clearance.

The Legal Division shall ensure that the relevant immigration information of the foreign fugitive/criminal shall be attached to the records such as but not limited to: (1) travel records, (2) foreigner registration records; and/or (3) derogatory records. The same shall form part of the fugitive/criminal file.

Section 9. Duties of the Board Secretary When a Foreigner is a Fugitive or Has Served His Sentence. - Within forty eight (48) hours from receipt of the SDO attached to the case records, the Board Secretary shall schedule a special agenda for the BOC to resolve the summary deportation of the foreign fugitive/criminal.

Section 10. Nature of the Summary Deportation Order. – A Summary Deportation Order shall be final and immediately executory upon signing/ approval thereof.

Section 11. Effect of Summary Deportation Order. - Summary deportation shall bar the foreigner concerned from

re-entry into the Philippines and his name shall be included in the BI Blacklist.

RULE 10
DEPORTATION ORDER/JUDGMENT

Section 1. Contents of the Order/Judgment. - The BOC Order/Judgment shall contain the name and personal circumstances of the foreigner, a clear and distinct statement of material facts, findings and the law on which it is based and the decision reached.

In case of an Order/Judgment directing the deportation of a foreigner, it shall state whether the foreigner shall be deported: (i) to the country whence he came; (ii) to the foreign port at which he embarked for the Philippines; (iii) to the country of his birth or of which he is a citizen or subject; or (iv) to the country in which he resided prior to coming to the Philippines.

Section 2. Promulgation of the Order/Judgment. - Order/Judgment of the BOC in a deportation case shall be returned to the Board Secretary who shall promulgate the same within twenty four (24) hours from receipt. Service of a copy of the Order/Judgment to the last known or given address of the Respondent, or at the office of his counsel on record, or to his nearest embassy or consular office if his address or whereabouts is unknown, shall be deemed as promulgation. Proof of service shall be attached to the Order/Judgment for record purposes.

Section 3. Distribution of Copies of the Order/Judgment. - Copies of the
Order/Judgment shall be furnished to the following:

a. The Respondent or his counsel on record, if any;
b. The Complainant or his counsel on record, if any;
c. The Special Prosecutor;
d. The Chief, Legal Division;
e. The Chief, Intelligence Division;
f. The Chief, Immigration Regulation Division (lRD);
g. The Chief, Port Operations Division (POD);
h. The Chief, Management Information System Division (MlSD);
i. The Chief, Certificate and Clearance Section;
j. The Secretary, DOJ;
k. The Office of the President; and
l. Respondent’s embassy or consular office.

Section 4. Inclusion in the Blacklist and Lifting of the Hold Departure Order/Watchlist Order. - A deportation Order/Judgment shall include a directive to include Respondent’s name in the Bl Blacklist and a directive to lift the HDO or Watchlist Order issued against Respondent in relation to the deportation case.

Section 5. When the BOC Dismisses a Deportation Case. - In case of dismissal, the Respondent shall be released within twenty-four (24) hours from promulgation if the Bl is holding him unless he is being held for some other lawful cause. Respondent’s properties, documents and papers provisionally kept by the Bl shall be returned to him.

Section 6. Finality of the Decision. - Except in cases of voluntary deportation and summary deportation, the Order/Judgment directing the Respondent’s deportation shall become final and executory after thirty (30) days from notice, unless within such period, Respondent files a Motion for Reconsideration or an Appeal before the Office of the Secretary of Justice or the Office of the President.

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Section 7. Motion for Reconsideration. - The foreigner shall have three (3) days from receipt of a copy of the Order/Judgment to file two (2) copies of a verified Motion for Reconsideration before the OCOM Receiving Unit. Only one (1) Motion for Reconsideration may be filed. No other pleading shall be entertained. Within twenty four (24) hours from receipt, the OCOM Receiving Unit shall immediately forward the Motion for Reconsideration to the Legal Division or the BSI as the case may be.

The Motion for Reconsideration must point out specifically the findings or conclusions of the Order/Judgment which are not supported by the evidence or which are contrary to law, making express reference to the evidence or provisions of law alleged to be contrary to such findings or conclusions.

Whenever necessary, the Legal Division or the BSI, as the case may be, may issue an Order directing the complainant to submit a Comment to the Motion for Reconsideration within ten (10) days from receipt.

Within ten (10) days from submission of the Comment or from the lapse of time to submit the same, the Legal Division or the BSI shall draft the Resolution deciding the Motion for Reconsideration.

In case the Legal Division or the BSI opted not to issue an Order to submit a Comment, it shall draft the Resolution deciding the Motion for Reconsideration within ten (10) days from receipt.

Upon drafting the Resolution, the Legal Division or the BSI shall forward the same with the deportation record to the Board Secretary.

Upon receipt of the draft Resolution, the Board Secretary shall include the same to the next scheduled agenda for the BOC to resolve.

Section 8. Appeal. - The appeal shall stay the execution of the decision appealed from unless the Secretary of Justice/Office of the President directs its execution pending appeal.

RULE 11
EXECUTION OF ORDER OR JUDGMENT FOR DEPORTATION

Section 1. Execution of Deportation Order. - In case the Respondent is at large when found guilty of violation of immigration law/s for which he was charged, the Commissioner shall issue a Warrant of Deportation against him.

The Intelligence Division shall execute the Warrant of Deportation and shall make a return to the Commissioner within seven (7) days from date of issue. If the Warrant of Deportation is unexecuted within the said period, the Intelligence Division shall submit a weekly status report until the warrant is executed.

No foreigner shall be deported unless the order of deportation has become final and executory and the following requirements are complied with:

a. BOC Order/Judgment of Deportation;
b. Photocopies of the official receipts showing payments of immigration fees, administrative fines, penalties and other legal fees as required in the Order/Judgment, if any;
c. NBI clearance;
d. Court clearances or National Prosecution Service (State/Provincial/City Prosecutors) clearances in cases when the BI has been informed of Respondent’s criminal investigation or cases;
e. Original valid passport or travel document;
f. Valid air ticket to the country where he is to be deported;
g. Certification from the Chief, Legal Division that all the conditions of the Order/Judgment have been complied with.

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Section 2. Required Clearances Prior to Execution of Deportation Order. - Within five (5) days from Respondent's apprehension or from the promulgation of Order/Judgment, whichever comes first, the Chief, Legal Division shall request for an NBI Clearance stating that Respondent has no pending criminal case/s; Provided, the said NBI Clearance shall be required anew upon the lapse of six (6) months from the date of last issuance thereof and the deportation order has yet to be executed.

Section 3. Costs of Deportation. - (a) The owner, operator, captain, master, pilot, agent or consignee of a vessel by which the foreigner arrived shall borne the costs of deportation if deportation proceedings are initiated within five (5) days from entry, i.e., exclusion cases;

(b) The Respondent shall pay the cost of his deportation (airplane ticket);
(c) If the Respondent cannot afford the cost of his deportation, his embassy or consulate shall pay the same;
(d) If Respondent's embassy or consulate cannot afford or refuses to pay the cost of his deportation, the BI shall pay the same;
(e) In case of deportation of a fugitive upon official request of the country of which the fugitive is a national, the costs for his deportation and his escorts, if necessary, shall be paid for by the requesting country.
(f) In case of voluntary deportation, the Respondent shall pay the cost of his deportation;

Section 4. Other Costs. - Other costs incurred in the course of the deportation proceedings shall be chargeable against the bond, if any, that Respondent posted.

Section 5. In Case No Country Accepts the Deportee. – In case no sovereign country accepts the deportee in its territory, the Commissioner shall have the discretion to grant provisional liberty to the deportee subject to the conditions that he may impose under Rule 7 (Bail).

PART III
PROCEDURE IN THE PETITION FOR CANCELLATION OF VISA

RULE 12
COMMENCEMENT OF ACTION

Section 1. Pleadings. - The only pleadings allowed to be filed for Petition for Cancellation of Visa are the Petition and Answer thereto. All pleadings must be notarized or, if filed through counsel, the same should be verified.

Section 2. Who may File a Petition. - The Petition may be filed by any person who has personal knowledge of the facts and circumstances constituting the ground for the cancellation of a foreigner's visa or motu proprio by the Intelligence Division or the VCD.

All petitions shall be filed with the OCOM Receiving Unit in such number of copies as there are respondents plus two (2) copies for the Bl. The OCOM Receiving Unit shall docket the complaint and assign the corresponding docket number as follows: "BI C.V. No. Year-Month-Day-Series Number". All petitions shall be chronologically docketed in the order of the date that the same were filed and received.

Section 3. Form and Contents of the Petition. - The petition shall comply with the form prescribed in Rule 1, Section 4 and Section 5 and shall state the full name, address and other personal circumstances of the Petitioner and the Respondent. The Petition shall contain a concise statement of the ultimate facts constituting the ground or grounds for the cancellation of the Respondent's visa as provided for in Section 4 of this Rule, the type of visa sought to be canceled, and the specific relief sought.

When the Petitioner is a corporation, the certification should be executed by a natural person duly authorized by

the corporation, through a board resolution for the purpose, attached to the Petition.

Section 4. Grounds for Cancellation of Visa. - Any immigrant or non- immigrant visa, or extension thereof, may be canceled if:

a. The legal or factual basis for which the visa was issued no longer exists;
b. Respondent acquired the visa through fraud, misrepresentation or concealment of a material fact.

Section 5. Action on the Petition. - All petitions received by the OCOM Receiving Unit shall be referred to the Chief, Legal Division.

A Petition for Cancellation of Visa that includes allegations of deportable offenses including Section 4(b) of this Rule shall be acted upon in accordance with Part II (Procedure in Deportation Proceedings) of these Rules.

RULE 13
ANSWER and ORDER

Section 1. Order to Submit Answer. - The Legal Division, through a Hearing Officer, shall within two (2) days from assignment, issue an Order directing the Respondent to submit his Answer in the form of a Counter-Affidavit or a Memorandum with supporting documents/papers within ten (10) days from receipt, with proof of service to the Petitioner.

Section 2. Period to Decide the Petition. - Within ten (10) days from submission of the Answer or after the lapse of the period to submit the same, the Legal Division shall determine if there is sufficient evidence to cancel Respondent's visa and draft an appropriate Order.

The Legal Division shall forward the draft Order to the Board Secretary.

Upon receipt of the draft Order, the Board Secretary shall include the same to the next scheduled agenda for the BOC to resolve.

In cases involving complicated issues and/or voluminous records, the BOC
may defer the resolution of the case on the next scheduled agenda.

Section 3. Contents of the Order. - The BOC's Order shall contain the name and personal circumstances of the foreigner, a clear and distinct statement of material facts, findings and the law, rule or regulation on which it is based and the resolution reached.

Section 4. Promulgation of the Order. - The Board Secretary shall promulgate within twenty four (24) hours the Order in the Petition for Cancellation of Visa. The copy of the Order shall be served to the last known or given address of the Respondent or at the office of his counsel on record. Proof of service shall be attached to the Order.

Section 5. Distribution of Copies of the Order. - Copies of the Order shall be furnished to the following:

a. The Petitioner or his counsel on record;
b. The Respondent or his counsel on record;
c. The Chief, Legal Division;
d. The Chief, Intelligence Division;
e. The Chief, Alien Registration Division (ARD);
f. The Chief, Immigration Regulation Division (IRD);
g. The Chief, Port Operations Division (POD);
h. The Chief, Management Information System Division (MISD);

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i. The Secretary, Department of Justice (DOJ); and j. Respondent's embassy or consular office.

Section 6. Motion for Reconsideration. - The foreigner shall have three (3) days from receipt of a copy of the Order under these Rules to file two (2) copies of a verified Motion for Reconsideration before the OCOM Receiving Unit. Only one (1) Motion for Reconsideration may be filed. No other pleading shall be entertained.

The Motion for Reconsideration must point out specifically the findings or conclusions of the Order which are not supported by the evidence or which are contrary to law, making express reference to the evidence or provisions of law alleged to be contrary to such findings or conclusions.

Within 10 days from receipt of the Motion for Reconsideration, the Legal Division shall draft the Order resolving the Motion for Reconsideration.

Whenever necessary, the Legal Division may issue an Order directing the Petitioner to file a Comment to the Motion for Reconsideration within ten (10) days from receipt.

Upon drafting the Resolution of the Motion of Reconsideration, the Legal Division shall forward the same with the case folder to the Board Secretary.

Upon receipt of the draft Resolution, the Board Secretary shall include the same to the next scheduled agenda for the BOC to resolve.

Section 7. When Order becomes final and executory. – The Order canceling the visa shall become final and executory after fifteen (15) days from notice of the Order to the Respondent.

Section. 8. Appeal. - The appeal to the Secretary of Justice/Office of the President shall stay the execution of the Order appealed from.

RULE 14
IMPLEMENTATION OF THE CANCELLATION ORDER

Section 1. Implementation; How Made. - Upon the finality of the Order, the Board Secretary shall issue a notice to the Respondent for him to present his original valid passport to the Board Secretary within three (3) days from receipt to implement the cancellation of his visa and his downgrading to a temporary visitor visa; Provided, his failure or refusal to present his passport shall not negate the force and effect of the cancellation order.

A copy of the cancellation order shall likewise be attached to the Respondent's visa records.

Section 2. Order to Leave. - If the judgment includes an order for the Respondent to leave the country within a period specified, the Intelligence Division, in coordination with the POD, shall ensure that the Order to Leave is complied with.

Section 3. Refusal or Failure to Comply with the Cancellation Order. - Failure or refusal to comply with the cancellation order shall be deemed a violation of the terms and conditions under which he was admitted as a non-immigrant, a ground for deportation.

Section 4. Adjustment to a New Immigration Status. – A foreigner whose visa has been cancelled under Rule 12, Section 4(a) may apply for and be issued with another visa; Provided, that, he possesses all the qualifications and none of the disqualifications under existing laws, rules and regulations for such new visa.

PART IV
PROCEDURES FOR THE INCLUSION AND LIFTING OF NAME IN THE BI DEROGATORY LISTS AND

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FOR ISSUANCE OF ALLOW ENTRY AND ALLOW DEPARTURE ORDERS

RULE 15
HOLD DEPARTURE, WATCHLIST, IMMIGRATION LOOK-OUT BULLETIN ORDERS ISSUED BY THE COURTS, OFFICE OF THE PRESIDENT AND THE DEPARTMENT OF JUSTICE

Section. 1. Transmittal of Copy of Hold Departure, Watchlist and Immigration Look-out Bulletin List Orders. - Hold Departure Orders (HDO), Watchlist Orders (WLO) and Immigration Look-out Bulletin List Orders (ILBO) issued and transmitted by the Courts, Office of the President and the Department of Justice, as the case may be, shall be received by the OCOM Receiving Unit.

Section 2. Information Required. - The HDO, WLO and ILBO shall be in the original or certified true copies and shall substantially contain the following information on the person/s subject of the Order:

a. Complete name, i.e., given name, middle name and surname, and alias/es, if any;
b. Date and place of birth;
c. Place of last residence;
d. Passport details, if available;
e. Recent photograph, if available;
f. Complete title and docket number of the case;
g. Specific nature of the case; and
h. Date and period of validity of the Order.

Section 3. Duties of the OCOM. - In case the HDO, WLO and ILBO substantially lacks the required information, the OCOM, through a special-unit assigned for such purpose, shall, within twenty-four (24) hours from receipt, return to the issuing authority the subject Order with a request to supply the lacking information.

In case of substantial compliance, the OCOM (through a special unit) shall, as far as practicable, implement the HDO, WLO and ILBO on the same day of receipt.

The corresponding Commissioner's Order for inclusion of the subject/s' name/s in the Hold Departure List, Watchlist or Immigration Look-out Bulletin List shall be appropriately encoded in the BI Derogatory Information Support System (DISS) by the personnel duly designated for the purpose. The said personnel shall be responsible for furnishing all the Philippine international ports of entry and exit with a copy of the Commissioner's Order through the fastest available means of transmittal.

The Chief, POD, and the respective Head Supervisors of the Philippine international ports of entry and exit shall ensure the orderly, accurate and efficient implementation and enforcement of such orders.

In case the subject, whether Filipino or foreigner, of the HDO, WLO and ILBO has a pending criminal case and he attempts to leave the Philippines without the permission of the court where the case is pending, the Chief, POD, and the respective Head Supervisors of the Philippine international ports of entry and exit shall re-arrest the subject in accordance with Rule 114, Section 23 of the Rules of Court.

Section 4. Distribution of Copies of the Orders. - Copies of the HDO, WLO and ILBO shall be furnished to the following:

a. The issuing authority (Courts, OP, DOJ);
b. The person subject of the HDO, WLO or ILBO;
c. The Chiefs IRD, ARD, POD, MISD and Intelligence Division;

d. The Chief, Certificate and Clearance Section;
e. The Secretary, Department of Foreign Affairs; and
f. In case of a foreigner subject, his embassy or consulate.

Section 5. Request for Allow Departure Order. - Any person, or his duly authorized representative, whose name is in the HDO/WLO/ILBO may file a request under oath for an Allow Departure Order. The request shall: (i) attach the Order from the Court, OP and DOJ allowing the subject's departure; (ii) specify the reference number of his HDO/WLO/ILBO and (iii) show proof of payment of the fees prescribed in Rule 19 of these Rules.

In case the requesting party is a foreigner, the Alien Registration Division (ARD) shall NOT issue an Exit Clearance Certificate to the subject foreigner without the attached Order from the Court, OP and DOJ allowing the subject's departure.

Section 6. Orders Lifting HDO, WLO, ILBO. - Upon transmittal of the original or the certified true copy of the Order lifting and canceling the HDO/WLO/ILBO, the OCOM shall act on the same within two (2) days from receipt.

Section 7. Automatic Lifting of derogatory orders issued by the Department of Justice. – OP/DOJ issued HDO/WLO/ILBO shall be subject to automatic lifting upon the expiration of the period stated therein.

Section 8. When the Private Person files the Order Canceling the HDO, WLO and ILBO. - In case a private person files the Order canceling the HDO, WLO and ILBO, he shall submit the following:

a. Notarized request;
b. Original or the certified true copy of the Order lifting the HDO, WLO and
ILBO; and
c. Proof of payment of the fees prescribed in Rule 19 of these Rules.

The OCOM shall act on the Request for Lifting within two (2) days from filing.

Section 9. Implementation and Reportorial Requirements. - The MISD, in coordination with OCOM, shall ensure the effective implementation of the automatic lifting scheme provided under Section 7 of this Rule.

The OCOM shall submit to the DOJ Secretary a monthly report of the lifted and cancelled HDO, WLO and ILBO which originated from the DOJ.

RULE 16
BI-ISSUED DEROGATORY ORDERS

Section 1. Petition for Lifting/Cancellation of Name in the BI Derogatory List Issued Under these Rules. - Any person, or his duly authorized representative, whose name was included in the BI derogatory list (HDO/WLO, Blacklist Order [BLO]) pursuant to a primary order from the Commissioner or the BOC shall file a notarized request for the lifting and cancellation of his name in the BI derogatory list. The request shall: (i) state the Petitioner's full name, his known alias/es, if any, and his present address; (ii) state the ground/s for lifting and cancellation of his name, (iii) specify the reference number of the derogatory order; and (iv) show proof of payment of the fees prescribed in Rule 19 of these Rules.

Foreigners whose names have been included in the Blacklist pursuant to the Assisted Voluntary Return Program (AVRP) can apply for the lifting of their names in the Blacklist upon payment of: (i) administrative fine; (ii) IARC fee; and (iii) express lane fee. In addition, they may be required to post cash bonds to ensure compliance with immigration laws.

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Foreigners whose names have been included in the Blacklist pursuant to an Indigency Order can apply for the lifting of their names in the Blacklist upon payment of: (i) assessed fees and penalties; (ii) administrative fine; (iii) IARC fee; and (iv) express lane fee. In addition, they may be required to post cash bonds to ensure compliance with immigration laws.

Section 2. Action on the Request. - Within fifteen (15) days from receipt of the request for lifting and cancellation of the name in the Bl derogatory list, the OCOM, through a special unit, shall resolve the request.

Section 3. Petition for Allow Entry Order or Allow Departure Order. - Any person, or his duly authorized representative, whose name is in the BI derogatory list pursuant to a primary order from the Commissioner or BOC may file a notarized request for an Allow Entry or Allow Departure Order. The request shall: (i) state the Petitioner's full name, his known alias/es, if any and his present address; (ii) state the ground/s for Allow Entry or Allow Departure Order; (iii) specify the reference number of the derogatory order and (iv) show proof of payment of the fees prescribed in Rule 19 of these Rules.

Section 4. Action on the Request. - Within seven (7) days from receipt of the request for Allow Entry or Allow Departure, the OCOM shall resolve the request.

Section 5. Conditions of Allow Entry Order or Allow Departure Order. - The person granted an Allow Entry or Allow Departure shall report to the OCOM within forty eight (48) hours from his entry and admission to the Philippines or upon his return to the country, as the case may be.

The Commissioner, at his discretion, may require the subject or his duly authorized representative to post a cash bond in such amount as may be appropriate and impose such other undertakings, terms and conditions as may be necessary to ensure the subject's departure from or return to the country, as the case may be.

Upon the expiration of the period for Allow Entry and Allow Departure, the same shall automatically be ineffective.

RULE 17
BLACKLIST ORDER FOR EXCLUDED FOREIGNERS

Section 1. Issuance of Blacklist Order for Excluded Foreigners. - A foreigner excluded from entry into the Philippines shall be included in the Bl Blacklist, within twenty-four (24) hours from exclusion.

Likewise, the name of a foreigner who is outside the country and is deemed to pose a risk to public interest pursuant to a private complaint, official government report and foreign correspondence shall be included in the Bl Blacklist.

Section 2. Duties of the Chief, POD and Head Terminal Supervisors of International Ports of Entry and Exit. – Within twelve (12) hours upon the execution of the Order of Exclusion, the Chief, POD and Head Terminal Supervisors of international ports of entry and exit shall furnish the OCOM of the same through the fastest available means of transmittal. The Order of Exclusion shall contain a recommendation to include the name of the excluded foreigner in the BI Blacklist.

Section 3. Action on the Recommendation/Report. – Within twenty four (24) hours upon receipt of the Order of Exclusion, the OCOM, through a special unit, shall issue the Order directing the inclusion of the subject foreigner/s in the Blacklist.

The same period applies when the OCOM receives an official government report and foreign correspondence

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stating that a foreigner is deemed to pose a risk to public interest.

In case of a complaint from a private person alleging that the foreigner who is outside the country poses a risk to public interest, the OCOM shall have fifteen (15) days to act on the complaint.

The corresponding Commissioner's Order for inclusion of the subject/s' name/s in the Blacklist shall be appropriately encoded in the Bl-DISS by the personnel duly designated for the purpose. The said personnel shall be responsible for furnishing all the Philippine international ports of entry and exit with a copy of the Commissioner's Order through the fastest available means of transmittal.

The Chief, POD, and the respective Head Supervisors of the Philippine international ports of entry and exit shall ensure the orderly, accurate and efficient implementation and enforcement of such orders.

Section 4. Petition for Lifting of Blacklist Order or Allow Entry Order. - A petition for the lifting of the name from the Blacklist or for the-issuance of an Allow Entry Order issued under this Rule shall be governed by Rule 16 of these Rules.

All petitions under this Rule shall be subject to the requirements under Immigration Administrative Circular entitled "Prescribed Period for Lifting of Entries from the Blacklist."

PART V FEES

RULE 18
Payment of Fees and Exemptions

Section 1. Payment of Fees. - Upon the filing of the complaint, petition, request or other pleadings under these Rules, the Complainant, Petitioner or other persons concerned shall pay the prescribed fees in full to the BI authorized collecting officer.

The prescribed fees shall be subject to periodic, reasonable adjustments.

Section 2. Exemptions. - The Republic of the Philippines, its agencies and instrumentalities, government-owned or controlled corporations and local government units are exempt from paying the legal fees provided in this Rule.

Complaints or petitions filed motu proprio by the Intelligence Division/VCD or by indigent litigants, certified as such by the Punong Barangay or Social Welfare Officer in their locality, are likewise exempt from paying the prescribed fees.

Section 3. Effect of Failure to Pay Fees. - The OCOM Receiving Unit shall deny the receipt and docketing of a complaint, petition, request or other pleading under these Rules in case of failure or refusal to pay in full of the prescribed fees of those who do not fall under the exemptions.

RULE 19
Schedule of Fees

Section 1. Schedule for Legal Fees. -

a.

For Deportation Complaint:

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Filing Fee Implementation Fee Service Fee

Legal Research Fee

- PhP 2,000.00

- 2,000.00

- 1,000.00

- 20.00

b. For Petition for Bail in Deportation Proceedings:

Filing Fee - PhP 2,000.00

Implementation Fee - 2,000.00

Legal Research Fee - 20.00 c. For Petition for Cancellation of Visa:

Filing Fee - PhP 1,000.00

Implementation Fee - 1,000.00

Service Fee - 500.00

Legal Research Fee - 20.00

d. For Request for Lifting of Name from Hold Departure List, Watchlist and Immigration Look-out Bulletin List or Request for Issuance of Allow Departure Order:

Filing Fee - PhP 500.00

Implementation Fee - 500.00

Legal Research Fee - 20.00

e. For Request for Lifting of Name from the Blacklist or Allow Entry Order: Filing Fee - Php 2,000.00

Implementation Fee - 2,000.00

Service Fee - 1,000.00

Legal Research Fee - 20.00

f. For Request for Inclusion of the Foreigner’s Name in the Blacklist:

Filing Fee - PhP 2,000.00

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Implementation Fee - 2,000.00

Service Fee - 1,000.00

Legal Research Fee - 20.00 g. For Motion for Reconsideration:

Filing Fee - PhP 1,000.00

Legal Research Fee - 20.000
v:* {behavior:url(#default#VML);} o:* {behavior:url(#default#VML);} w:* {behavior:url(#default#VML);} .shape {behavior:url(#default#VML);} Normal 0 false false false EN-US X-NONE X-NONE MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-priority:99; mso-style-qformat:yes; mso-style-parent:""; mso-padding-alt:0cm 5.4pt 0cm 5.4pt; mso-para-margin-top:0cm; mso-para-margin-right:0cm; mso-para-margin-bottom:10.0pt; mso-para-margin-left:0cm; line-height:115%; mso-pagination:widow-orphan; font-size:11.0pt; font-family:"Calibri","sans-serif"; mso-ascii-font-family:Calibri; mso-ascii-theme-font:minor-latin; mso-hansi-font-family:Calibri; mso-hansi-theme-font:minor-latin; mso-bidi-font-family:"Times New Roman"; mso-bidi-theme-font:minor-bidi;}

PART VI MISCELLANEOUS PROVISIONS

RULE 20
Reportorial Requirements

Section 1. Monthly Reports of Pending Complaints – The Intelligence Division, the Legal Division and the BSI shall submit a monthly report of all pending deportation investigations/cases covered by these Rules to the Board Secretary who shall monitor the status of each proceeding on a regular basis. No proceeding shall, however, remain inactive for more than thirty (30) days.

RULE 21
Repealing Clause

Section 1. Repealing Clause. - This Administrative Circular repeals, amends or modifies all rules, regulations or other issuances inconsistent herewith.

RULE 22
Approval, Publication and Effectivity

Section 1. Approval by the Secretary of the Department of Justice. - These Rules shall be subject to the approval of the Secretary of the Department of Justice.

Section 2. Publication. - Upon such approval, the Board Secretary shall ensure that these Rules shall immediately be published in two (2) newspapers of general circulation.

Section 3. Effectivity. - These Rules shall take effect after fifteen (15) days from the date of such publication.

Let copies of these Rules be furnished to the Office of the National Administrative Registrar (ONAR), U.P. Law Center, University of the Philippines, Diliman, Quezon City, and posted in the official Bureau of Immigration website.

08 October 2015.

(SGD) SIEGFRED B. MISON
Commissioner

Approved:

(SGD) LEILA M. DE LIMA
Secretary, Department of Justice

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