

[REPUBLIC ACT NO. 503, June 12, 1950]

**ACT TO AMEND CERTAIN SECTIONS OF COMMONWEALTH ACT
NUMBERED SIX HUNDRED AND THIRTEEN, OTHERWISE KNOWN
AS THE PHILIPPINE IMMIGRATION ACT OF 1940.**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Paragraph (a) of section five of Commonwealth Act Numbered Six hundred and thirteen is hereby amended to read as follows:

"(a) The position of Immigrant Inspector is created, appointments to which shall be made upon the recommendation of the Commissioner of Immigration in accordance with the Civil Service Laws."

SEC. 2. The same Act is amended by inserting between section seven and eight thereof a new section with the title "Assignment of Immigration Employees to Overtime Work," to be known as section seven-A, which shall read as follows:

"ASSIGNMENT OF IMMIGRATION EMPLOYEES TO OVERTIME WORK"

"SEC. 7-A. Immigration employees may be assigned by the Commissioner of Immigration to do overtime work fixed by him when the service rendered is to be paid for shipping companies and airlines or other persons served."

SEC. 3. Section nine of Commonwealth Act Numbered Six hundred and thirteen is hereby amended to read as follows:

"SEC. 9. Aliens departing from any place outside the Philippines, who are otherwise admissible and who qualify within one of the following categories, may be admitted as nonimmigrants:

"(a) A temporary visitor coming for business or of pleasure or for reasons of health;

"(b) A person in transit to a destination outside the Philippines;

"(c) A seaman serving as such on a vessel arriving at a port of the Philippines and seeking to enter temporarily and solely in the pursuit of his calling as a seaman;

"(d) An alien entitled to enter the Philippines solely to carry on trade between the Philippines and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him;

"(e) An accredited official of a foreign government recognized by the Government of the Philippines, his family, attendants, servants, and

employees;

"(f) A student, having means sufficient for his education and support in the Philippines, who is at least eighteen years of age and who seeks to enter the Philippines temporarily and solely for the purpose of taking up a course of study higher than high school at a university, seminary, academy, college or school approved for such alien students by the Commissioner of Immigration;(5)

"(g) An alien coming to prearranged employment, for whom the issuance of a visa has been authorized in accordance with section twenty of this Act, and his wife, and his unmarried children under twenty-one years of age, if accompanying him or if following to join him within a period of six months from the date of his admission into the Philippines as a nonimmigrant under this paragraphs

"An alien who is admitted as a nonimmigrant cannot remain in the Philippines permanently. To obtain permanent admission, a nonimmigrant alien must depart voluntarily to some foreign country and procure from appropriate Philippine consul the proper visa and thereafter undergo examination by the officers of the Bureau of Immigration at a Philippine port of entry for determination of his admissibility in accordance with the requirements of this Act. "(7)

SEC.4. Section ten of the same Act is hereby amended to read as follows:

"SEC.10. Nonimmigrants must present for admission into the Philippine unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid passport visas granted by diplomatic or consular officers, except that such documents shall not be required of the following aliens: (a) A child qualifying as a nonimmigrant, born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired; and (b) A seaman qualifying as such under section 9 (c) of this Act." (8)

SEC. 5. Section thirteen of the same Act is hereby amended to read as follows:

"SEC. 13. Under the conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed 'quota immigrants' not in excess of fifty (50) of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed 'nonquota immigrants,' may be admitted without regard to such numerical limitations.

"The corresponding Philippine Consular representative abroad shall investigate and certify the eligibility of a quota immigrant previous to his admission into the Philippines. Qualified and desirable aliens who are in the Philippines under temporary stay may be admitted within the quota, subject to the provisions of the last paragraph of section 9 of this Act.

"(a) The wife or the husband or the unmarried child twenty-one years of age of a Philippine citizen, accompanying or following to join such citizen;

"(b) A child of alien parents born during the temporary visits abroad of

the mother, the mother having been previously lawfully admitted into the Philippines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission within five years from the date of its birth;

"(c) A child born subsequent to the issuance of the immigration visa of the accompanying parent, the visa not having expired;

"(d) A woman who was a citizen of the Philippine and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her;

"(e) A person previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines." (9)

SEC. 6. Section 15 of the same Act is hereby amended to read as follows:

"SEC. 15. Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa or a reentry permit in case of children born abroad during the temporary visit abroad of their mothers as provided for in paragraph (c) of section thirteen of this Act the immigration visa or reentry permit not having expired, and returning residents as referred to in section thirteen (f) hereof, presents unexpired reentry permits as provided for in section twenty-two of this Act, shall not be subject to these documents requirements. No child shall however be exempt from these documentary requirements unless the alleged mother shall have proved her state of pregnancy before the consular officers in the case of children born subsequent to the issuance of a valid immigration visa, or before the immigration authorities prior to her departure from the Philippines in the case of children born abroad of mothers with valid reentry permits: *Provided, however,* That in the latter case should the mother become pregnant after her departure from the Philippines the fact of her pregnancy shall be proved before the consular officers who shall issue the appropriate certification for presentation to the immigration authorities upon her return to the Philippines."

SEC. 7. Paragraph (a) of section twenty of the same Act is hereby amended to read as follows:

"SEC. 20. (a) A passport visa for a nonimmigrant referred to in section nine (g) of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the nonimmigrant is desired and that the nonimmigrant's admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective

employer or his representative. The petition shall state fully the nature of the labor or service for which the nonimmigrant is desired, the probable length of time for which he is to be engaged, the wages and other compensation which he is to receive, the reasons why a person in the Philippines cannot be engaged to perform the labor or service for which the nonimmigrant is desired and why the nonimmigrant's admission would be to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of all the allegations made in petition shall be required and the allegations that no person can be found in the Philippines willing and competent to perform the labor or service for which the nonimmigrant is desired and that the nonimmigrant's admission would be beneficial to the public interest shall be established beyond doubt by convincing and satisfactory evidence. (11)

"The title 'Immigration Visas for Nonquota Immigrant' shall be understood to refer only to section twenty-one of the same Act."

SEC. 8. Section twenty-two of the same Act is hereby amended by adding a second paragraph to read as follows:

"The permit, upon approval of the Commissioner of Immigration, may be made good for several trips within the period of one year: *Provided, however,* That the holder thereof shall be required to pay the fee required under section forty-two (a) (3) of this Act for every trip he makes." (12)

SEC. 9. Paragraphs (b) and (c) of section twenty-seven of the same Act are hereby amended to read as follows:

"(b) A board of special inquiry shall have authority (1) to determine whether an alien seeking to enter or land in the Philippines shall be allowed to enter or land or shall be excluded, and (2) to make its findings and recommendations in all the cases provided for in section twenty-nine of this Act wherein the Commissioner of Immigration may admit an alien who is otherwise inadmissible. For this purpose, the board or any member thereof, may administer oaths and take evidence and in case of necessity may issue *subpoena* and/or *subpoena duces tecum*. The hearing of all cases brought before a board of special inquiry shall be conducted under rules of procedure to be prescribed by the Commissioner of Immigration. The decision of any two members of the board shall prevail and shall be final unless reversed on appeal by the Board of Commissioners as hereafter stated, or, in the absence of an appeal, unless reversed by the Board of Commissioners after a review by it, *motu proprio* of the entire proceedings within one year from the promulgation of said decision. At the conclusion of the hearing of any case, the board of special inquiry shall at once proceed to deliberate and decide on the merits thereof. The decision shall be promulgated and the findings and recommendation, in proper cases, submitted not later than two days from the date of the deliberation. Should the board of special inquiry need more time to make a written decision of findings and recommendation in view of the nature of the case, the chairman thereof