

[BOI Operations Order No. SBM-2015-011, April 21, 2015]

FOREIGNERS WHO FAILED TO COMPLY WITH THE TERMS AND CONDITIONS OF THEIR PROVISIONAL LIBERTY

*Adopted: 21 April 2015
Date Filed: 24 April 2015*

WHEREAS, under CA 613, Sec. 40, the Commissioner may grant provisional liberty on bail or recognizance to numerous foreigners with deportation charges under such conditions he may prescribe;

WHEREAS, there are deportable foreigners who failed to comply with the terms and conditions of their Undertaking for Provisional Liberty on Bail/ Recognizance including their duty to report to the Intellectual Division of the BI extension/district/field office;

WHEREAS, there is a need for a fast and efficient legal process in dealing with deportable foreigners who violated the terms and conditions of their provisional liberty;

NOW THEREFORE, pursuant to the Commissioner's rule-making authority under Commonwealth Act No. 613, Section 3, the following shall be observed:

Section 1. Foreigners who Failed to Comply with the Terms and Conditions of their Provisional Liberty – Foreigners who failed to comply with the terms and conditions of their provisional liberty on bail recognizance shall cause the immediate cancellation of their provisional liberty.

Section 2. Duties of the Intelligence Division – The Intelligence Division is principally tasked to monitor compliance with the terms and conditions of the foreigners' provisional liberty on bail/recognizance, particularly the duty to report to the BI (Intelligence Division and/or BI extension/district/field office).

The Intelligence personnel in charge of recording shall: (i) affix his signature in the journal/logbook attesting that the concerned foreigner appeared before him in compliance with the conditions of his bail; (ii) take photograph of said foreigner holding a copy of a newspaper [headline displayed] to indicate the date when the photograph was taken; and (iii) upload the photo to the database that the Intelligence Division and the MISD shall create.

The Intelligence Division shall submit a monthly report to the Legal Division which shall contain the following: (i) list of foreigners [with nationality & date of birth] who violated the terms and conditions of their provisional liberty; (ii) date of actual release of the foreigners; and (iii) amount of cash bond. If the violation consists of