

**[ BI MEMORANDUM CIRCULAR NO. MCL-09-013,  
September 28, 2009 ]**

**RULES AND REGULATIONS GOVERNING THE RENDITION OF  
IMMIGRATION SERVICES IN OFFSHORE AREAS WITHIN THE  
PHILIPPINES, ESTABLISHING THE PROCEDURE FOR  
DETERMINING THE RATES AND PRESCRIBING THE MANNER OF  
PAYMENT THEREFOR**

WHEREAS, the Government of the Republic of the Philippines, acting through the Department of Energy, enters into Service Contracts with private parties ("*Contractors*") for the exploration and development of petroleum and associated natural resources in offshore areas ("*Offshore Operations*") within the Philippines;

WHEREAS, there is a need to establish a regulatory framework for the rendition of immigration services in remote offshore areas, including the payment and reimbursement of travel-related and other necessary expenses of immigration personnel, taking into account the unique circumstances obtaining in such Offshore Operations, which include, but are not limited to, the hardship concomitant with the remote locations and the nature of Offshore Operations, the long hours being on duty and on-call and the performance by immigration personnel of multiple functions given the limited room for personnel on board offshore vessels;

WHEREAS, the ensure transparent, coordinated and efficient provision of immigration services in relation to Offshore Operations within the Philippines, including effective and timely processing and issuance of clearances, certifications, permits and licenses, and provision of continuing oversight operations, in collaboration with the Department of Energy, the Bureau of Immigration, the Bureau of Customs and the Bureau of Quarantine (*the "Coordinating Bureaus"*) wish to coordinate and harmonize the rendition of government services associated with Offshore Operations within the Philippines by their respective Bureaus, including the procedures for establishing the rates and manner of payment therefor;

WHEREAS, Section 7-A of Commonwealth Act No. 613, as amended, otherwise known as the "*Philippine Immigration Act of 1940*", authorizes the Commissioner on Immigration to assigned employees to perform and render overtime work at rates fixed by him when service rendered is to be paid by shipping companies and airlines or other persons served;

WHEREAS, Section 3, of the same above cited Act, in relation to Sections 29 and 36, Chapter 6, Book IV , Title III of Executive Order No. 292, otherwise known as the "*Administrative Code of 1987*", empowers the Commissioner of the Bureau of Immigration (BI) to issue rules and regulations in aid of administration of immigration laws;

NOW, THEREFORE, in view of all the foregoing, the following RULES AND

REGULATIONS GOVERNING THE RENDITION OF IMMIGRATION SERVICES IN OFFSHORE AREAS WITHIN THE PHILIPPINES, ESTABLISHING THE PROCEDURE FOR DETERMINING THE RATES AND PRESCRIBING, THE MANNER OF PAYMENT THEREFORE, are hereby promulgated:

## **ARTICLE I**

### **Authority to Allow Rendition of Immigration Services**

*SECTION 1.* The Commissioner of Immigration or his duly authorized Associate Commissioner shall have the power to assign and deploy immigration personnel and employees to render services in connection with Offshore Operations within the Philippines. Such assignment shall be covered by an appropriate Personnel Order setting forth the duration of the assignment and other relevant terms and conditions, as well as any limitation on the power and functions of the personnel and employees assigned.

*SECTION 2.* The assignment of the above personnel and employees shall be made strictly on a rotation basis. In no instance shall the duration of an assignment be more than a period of fifteen (15) consecutive days, exclusive of travel.

## **ARTICLE II**

### **Rates for Services Rendered**

*SECTION 3.* The individual rates for the immigration services to be rendered for Offshore Operations in connection with each Service Contract within the Philippines shall be the subject of a separate appropriate Memorandum Order or Orders promulgated by the Immigration Commissioner in accordance with applicable laws and regulations and communicated to the representatives of the other members of the Coordinating Bureaus. Such rates shall take into account the unique circumstances applicable to the particular Offshore Operations. Concerns, issues and questions regarding such rates or their application shall be considered among the Coordinating Bureaus in collaboration with the Department of Energy.

## **ARTICLE III**

### **Invoicing and Payment for Services**

*SECTION 4.* After completion of the assignment of each immigration personnel and employee, he/she shall submit a report to the Office of the Immigration Commissioner of all the immigration services rendered within the duration of the assignment. After due verification, such report shall be forwarded to the Contractor, together with the bill or invoice, for the payment of such services.

*SECTION 5.* All bills or invoices must be paid in full within ten (10) days from receipt thereof prior thereto a written notice disputing the amounts in the bill or invoice is sent to and received by the Bureau of Immigration (BI). Where written notice of a disputed amount is submitted, all undisputed amounts shall be paid within ten (10) days from receipt of the bill or invoice. The disputed amount shall be mutually resolved by the BI and the Contractor within twenty-four (24) hours from notice thereof, and any amount determined to be payable thereafter shall be paid within ten (10) days from such determination.

*SECTION 6.* Payments shall be made by cash to the official cashier of the BI for