

## [ CID LAW INSTRUCTIONS NO. 29, June 02, 1988 ]

### WHEN DEPORTATION IS FINAL AND EXECUTORY

The Supreme Court has ruled that an alien can be deported in either of one of two ways.

Firstly, the alien can be deported under the Immigration Act, Section 37, by specifying any of the thirteen (13) grounds there enumerated.

Section 37, para . (c) provides: "No alien shall be deported without being informed of the specific grounds for deportation nor without being given a hearing under Rules of Procedure to be prescribed by the Commissioner of Immigration and Deportation."

Further, Section 8-A provides: "The Board of Commissioners shall have exclusive jurisdiction over all deportation cases and its decision shall become final and executory after 30 days from promulgation, unless within such period the President shall issue an order to the contrary."

Secondly, the alien can be deported under the Administrative Code, Section 69, after prior investigation. Section 69 provides: "In such case the person concerned shall be Informed of the charge or charges against him and he shall be allowed not less than three; (3) days for the preparation of his defense. He shall also have the right to be heard by himself or counsel, to produce witnesses in his own behalf, and to cross-examine the opposing witnesses."

In brief, Philippine law does not allow for summary deportation, i.e., Philippine law requires notice and hearing before an alien can be deported. However, if judgment of deportation is promulgated under the Administrative Code, it is immediately executory, and the alien can be deported without waiting for the thirty-day period to expire.

Adopted: 2 June 1988

(SGD.) MIRIAM DEFENSOR SANTIAGO  
*Commissioner*



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