

[REPUBLIC ACT NO. 8239, November 22, 1996]

PHILIPPINE PASSPORT ACT OF 1996

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

SECTION 1. **Short Title.** – This Act will be called as the "Philippine Passport Act of 1996."

SEC. 2. **Statement of Policy.** – The people's constitutional right to travel is inviolable. Accordingly, the government has the duty to issue passport or any travel document to any citizen of the Philippines or individual who complies with the requirement of this Act. The right to travel may be impaired only when national security, public safety, or public health requires. To enhance and protect the unimpaired exercise of this right, only minimum requirements for the application and issuance of passports and other travel documents shall be prescribed. Action on such application and the issuance shall be expedited.

SEC. 3. **Definitions.** – As used in this Act:

- a. *Department* means the Department of Foreign Affairs;
- b. *Secretary* means the Secretary of Foreign Affairs;
- c. *Post* means a Philippine diplomatic and consular post such as an Embassy or Consulate;
- d. *Passport* means a document issued by the Philippine government to its citizens and requesting other governments to allow its citizens to pass safely and freely, and in case of need to give him/her all lawful aid and protection;
- e. *Travel Document* means a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of this Act;
- f. *Supporting Documents* mean any paper or document which is required to be submitted with the passport application supporting claims to Filipino citizenship to complete the application for a passport without which such application would be deemed incomplete or otherwise become subject to denial by the issuing authority;
- g. *Ambassadors* mean those who have been appointed as chiefs of mission and have served as Ambassador Extraordinary and Plenipotentiary.

SEC. 4. **Authority to Issue, Deny, Restrict or Cancel.** – Upon the application of any qualified Filipino citizen, the Secretary of Foreign Affairs or any of his authorized consular officer may issue passports in accordance with this Act.

Philippine consular officers in a foreign country shall be authorized by the Secretary to issue, verify, restrict, cancel or refuse a passport in the area of jurisdiction of the Post in accordance with the provisions of this Act.

In the interest of national security, public safety and public health, the Secretary or any of the authorized consular officers may, after due hearing and in their proper discretion, refuse to issue a passport, or restrict its use or withdraw or cancel a passport: *Provided, however,* That such act shall not mean a loss or doubt on the person's citizenship: *Provided, further,* That the issuance of a passport may not be denied if the safety and interest of the Filipino citizen is at stake: *Provided, finally,* That refusal or cancellation of a passport would not prevent the issuance of a Travel Document to allow for a safe return journey by a Filipino to the Philippines.

SEC. 5. *Requirements for the Issuance of Passport.* – No passport shall be issued to an applicant unless the Secretary or his duly authorized representative is satisfied that the applicant is a Filipino citizen who has complied with the following requirements:

- a. A duly accomplished application form and photographs of such number, size and style as may be prescribed by the Department;
- b. The birth certificate duly issued or authenticated by the Office of the Civil Registrar General: *Provided, however,* That if the birth of the applicant has not been registered yet, or if his birth certificate is destroyed, damaged, or not available due to other causes, he shall apply for delayed registration of his birth with the Office of the Civil Registrar General which shall issue to said applicant a certification of pending application for delayed registration of birth attaching thereto a copy of an accomplished certificate of live birth. Such certification and the accomplished certificate of live birth shall be sufficient to support an application for passport in addition to other papers which the Department may require from the applicant;
- c. In the absence of a birth certificate, a baptismal certificate for those who are members of a Christian religious organization, or similar or equivalent certificate issued by a non-Christian religious group, attesting to the applicant's having been admitted to such religious group or sect at an early age and where it is indicated that the applicant is a Filipino citizen, which should be accompanied by a joint affidavit by two (2) persons who have personal knowledge of the applicant and of such age as to credibly state the applicant's date and place of birth, citizenship, and names of parents: *Provided,* That Filipinos who do not believe in any religion and whose parents for any reason failed to have the said applicant baptized shall be exempted from the baptismal certificate requirement: *Provided, further,* That in lieu thereof, the applicant shall execute an affidavit to that effect duly corroborated by affidavit of at least two (2) persons of good reputation who personally know such fact;
- d. In case of a woman who is married, separated, divorced or widowed or whose marriage has been annulled or declared by court as void, a copy of the certificate of marriage, court decree of separation, divorce or annulment or certificate of death of the deceased spouse duly issued and authenticated by the Office of the Civil Registrar General: *Provided,* That in case of a divorce decree, annulment or declaration of marriage as void, the woman applicant may revert to the use of her maiden name: *Provided, further,* That such divorce is recognized under existing laws of the Philippines;

- e. In the case of naturalized citizens, a certified copy of the naturalization certificate; or a certified naturalization certificate of husband or parent duly issued and authenticated by the Office of the Civil Registrar General if citizenship is claimed through naturalization of spouse or parent;
- f. For an applicant who has not reached the age of majority, an affidavit of consent from a parent as indicated in the passport application if the minor is traveling with either parent, and a clearance from the Department of Social Welfare and Development, if the minor is traveling with a legal guardian or a person other than a parent;
- g. If the applicant is an adopted person, the duly certified copy of court order of adoption, together with the original and amended birth certificates duly issued and authenticated by the Office of the Civil Registrar General shall be presented: *Provided*, That in case the adopted person is an infant or a minor or the applicant is for adoption by foreign parents, an authority from the Department of Social Welfare and Development shall be required: *Provided, further*, That the adopting foreign parents shall also submit a certificate from their embassy or consulate that they are qualified to adopt such infant or minor child;
- h. In case of discrepancy between the applicant's name in the birth certificate and in any other private documents, the former shall prevail over the latter unless by operation of law or through court order, the applicant is permitted to use a name other than what is officially recorded in the Civil Register; and
- i. If the applicant is a government employee, the travel authority issued by the head of department, agency or office may be required only if said applicant is applying for an official passport.

SEC. 6. **Application.** – The application may be filed by:

- a. The applicant himself or herself; or
- b. The parent or legal guardian on behalf of an applicant who is below the age of majority.

In case of first time applicants, the applicant must present himself/herself in person to prove that he or she is the same person and of the age claimed in the application form. In case of renewal the application may be filed by any licensed travel agency duly accredited by the Department of Foreign Affairs: *Provided*, That the agent shall be responsible for the authenticity or *bona fide* of the supporting documents being presented to meet the requirements for the application of passports.

SEC. 7. **Types of Passports.** – The Secretary or the authorized representative or consular officer may issue the following types of passports:

- a. Diplomatic passport for persons imbued with diplomatic status or are on diplomatic mission such as:
 - 1. The President and former Presidents of the Republic of the Philippines;
 - 2. The Vice-President and former Vice-Presidents of the Republic of the Philippines;
 - 3. The Senate President and the Speaker of the House of Representatives;
 - 4. The Chief Justice of the Supreme Court;
 - 5. The Cabinet Secretaries, and the Undersecretaries and Assistant Secretaries of the Department of Foreign Affairs;

6. Ambassadors, Foreign Service Officers of all ranks in the career diplomatic service; Attaches, and members of their families;
7. Members of the Congress when on official mission abroad or as delegates to international conferences;
8. The Governor of the Bangko Sentral ng Pilipinas and delegates to international or regional conferences when on official mission or accorded full powers by the President; and
9. Spouses and unmarried minor children of the abovementioned officials when accompanying or following to join them in an official mission abroad.

The President of the Philippines and the Secretary of the Department of Foreign Affairs may grant diplomatic passports to officials and persons other than those enumerated herein who are on official mission abroad.

- b. Official Passport to be issued to all government officials and employees on official trip abroad but who are not on a diplomatic mission or delegates to international or regional conferences or have not been accorded diplomatic status such as:

1. Undersecretaries and Assistant Secretaries of the Cabinet other than the Department of Foreign Affairs, the Associate Justices and other members of the Judiciary, members of the Congress and all other government officials and employees traveling on official business and official time;
2. Staff officers and employees of the Department of Foreign Affairs assigned to diplomatic and consular posts and officers and representatives of other government departments and agencies assigned abroad;
3. Persons in the domestic service and household members of officials assigned to diplomatic or consular posts;
4. Spouses and unmarried minor children of the officials mentioned above when accompanying or following to join them.

- c. Regular Passport issued to Filipino citizens who are not eligible or entitled to diplomatic or official passports, including government officials or employees going abroad for pleasure or other personal reasons. Government officials and employees and members of their families may, during their incumbency in office, hold two passports simultaneously: (1) a regular passport for private travel; (2) a diplomatic or official passport when traveling abroad on diplomatic or official business. The wife and minor children of persons entitled to a diplomatic or official passport shall be issued regular passports, if they are not accompanying or following to join them.

SEC. 8. *Grounds for Denial, Cancellation or Restrictions.* – The application for passport may be denied, cancelled or restricted only on the following grounds:

- a. Denial of Passport

1. On orders of the court, after due notice and hearing, to hold the departure of an applicant because of a pending criminal case;
2. When so requested by the natural or legal guardian, if the applicant is a minor;

3. When the applicant has been found to have violated any of the provisions of this Act;
4. Such other disqualification under existing laws.

b. Cancellation

1. When the holder is a fugitive from justice;
2. When the holder has been convicted of a criminal offense: *Provided*, That the passport may be restored after service of sentence; or
3. When a passport was acquired fraudulently or tampered with.

c. Restricted

1. When the country of destination is in a state of political instability which could pose a danger to the Filipino traveler;
2. When diplomatic ties have been fractured or severed with the Philippines;
3. When the country of destination is subject to travel restriction by government policy, enforcement of action by the United Nations or in a state of war.

SEC. 9. ***Appeal.*** – Any person who feels aggrieved as a result of the application of this Act or of the implementing rules and regulations issued by the Secretary shall have the right to appeal to the Secretary of Foreign Affairs from whose decision judicial review may be had to the Courts in due course.

SEC. 10. ***Validity.*** – Regular passports issued under this Act shall be valid for a period of five (5) years: *Provided, however*, That the issuing authority may limit the period of validity to less than five (5) years; whenever in the national economic interest or political stability of the country such restriction is necessary: *Provided, finally*, That a new passport may be issued to replace one which validity has expired, the old passport being returned to the holder after cancellation.

SEC. 11. ***Ownership of Passports.*** – A Philippine passport remains at all times the property of the Government, the holder being a mere possessor thereof as long as it is valid and the same may not be surrendered to any person or entity other than the government or its representative: *Provided*, That a Filipino citizen may voluntarily surrender his/her passport to a Philippine Service Post for storage and safekeeping for which a proper receipt shall be issued for use when reclaiming the passport at a later date.

SEC. 12. ***Names and Titles.*** – The passport shall contain the full name of the applicant, but shall not include his title or titles or profession or job description. If an applicant's name is changed by order of the court, a certified copy of the court order or decree shall be submitted together with the birth certificate or old passport on application.

SEC. 13. ***Travel Documents.*** – A travel document, in lieu of a passport, may be issued to:

- a. A Filipino citizen returning to the Philippines who for one reason or another has lost his/her passport or cannot be issued a regular passport;
- b. A Filipino citizen being sent back to the Philippines;
- c. An alien spouse of a Filipino and their dependents who have not yet been naturalized as a Filipino and who are traveling to the Philippines or is a