

**[ IMMIGRATION MEMORANDUM CIRCULAR NO.  
SBM-2015-010, November 03, 2015 ]**

**BUREAU OF IMMIGRATION OMNIBUS RULES OF PROCEDURE OF  
2015**

*Adopted: 08 October 2015  
Date Filed: 03 November 2015*

**WHEREAS**, there is a need to consolidate existing guidelines on deportation and lay down the rules on cancellation of visas and other related proceedings for consistency and to remove overlaps;

**NOW, THEREFORE**, pursuant to the rule-making authority of the Commissioner of Immigration under Section 3 of Commonwealth Act No. 613, as amended, the following Bureau of Immigration (BI) Omnibus Rules of Procedure of 2015 are hereby promulgated to govern legal proceedings in the Bureau of Immigration:

**PART I PRELIMINARY CONSIDERATIONS**

**RULE 1  
GENERAL PROVISIONS**

**Section 1. Title.** - These Rules shall be known and cited as the "BI Omnibus Rules of Procedure of 2015".

**Section 2. Scope.** - These Rules shall apply to legal proceedings in the Bureau of Immigration involving: (i) deportation; (ii) cancellation of visa; (iii) inclusion/lifting of name/s in the BI derogatory list; and (iv) issuance of Allow Entry Order (AEO) or Allow Departure Order (ADO).

**Section 3. Applicability of the Rules of Court.** - In the absence of any applicable provision in these Rules, the Rules of Court shall apply in suppletory manner.

**Section 4. Documents to Support Complaint, Petition, Request.** - Any complaint, petition, request, pleading and motion filed by any interested party shall contain as annexes such documents as he may deem supportive of his allegations.

**Section 5. Certification for Initiatory Pleading and Proof of Payment.** - The complainant, petitioner or requesting party shall certify under oath in the complaint, petition or other pleading initiating a proceeding covered by these Rules, or in an annexed sworn certification that: (i) to the best of his knowledge, no other action or claim involving the Respondent is pending in any court, tribunal, or quasi-judicial agency; (ii) if there is such other pending action

or claim, a complete statement of the present status thereof; and (iii) if he should thereafter learn that such action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the BI.

Proof of payment of filing fees and other applicable fees and charges shall be attached to the initiatory pleading.

**Section 6. Prohibited Pleadings.** - The following pleadings are prohibited:

- a. Motion to dismiss, except on the ground of lack of jurisdiction;
- b. Motion for bill of particulars;
- c. Petition for relief from judgment;
- d. Motion for extension of time to file answer, memorandum position paper or other written submissions, except for exceptionally meritorious grounds;
- e. Motion for postponement, except for exceptionally meritorious grounds;
- f. Intervention;
- g. Motion to hear affirmative defenses; and
- h. Any pleading or motion which has the same or similar effect as of the foregoing.

The submission of the prohibited pleadings shall be considered as the Respondent's Answer to the complaint/petition.

**Section 7. Construction.** - These Rules shall be liberally construed to promote a just, speedy and inexpensive disposition of every action and proceeding covered herein.

**Section 8. Modes of service.** - Service of judgments, including notices, orders and other papers from the BI, shall be made either through: (i) personal service through an authorized BI personnel; (ii) registered mail in accordance with Rule 13, Sec. 13 of the Rules of Court; or (iii) through an authorized private courier.

**Section 9. Jurisdiction.** - Subject to the exercise of the powers vested upon the President and/or the Secretary of Justice, decisions in the legal proceedings on deportation and cancellation of visa shall be rendered by the Board of Commissioners (BOC).

The BOC shall convene and act as a collegial body in rendering a decision. The Commissioner or in his absence, the Acting Commissioner, shall serve as Chairman thereof. The decision of the majority shall prevail. The presence of the Chairman and one (1) Member shall constitute a quorum. The BOC shall meet in such regularity as may be determined by the Commissioner.

## **PART II PROCEDURE IN DEPORTATION**

### **RULE 2**

#### **COMMENCEMENT OF DEPORTATION PROCEEDINGS**

**Section 1. Deportation defined.** - Deportation is an act by or under the authority

of the State of removing a foreigner from Philippine territory. It applies to a foreigner whose presence in the Philippines is found to be injurious to national interest, public health, public safety and public interest.

**Section 2. Nature and Conduct.** - Deportation proceedings are administrative in character. Subject to the requirement of due process, the deportation proceedings shall be conducted for the purpose of ascertaining the truth without necessarily adhering to technical rules of judicial proceedings.

**Section 3. Who may be Deported.** - An action for deportation may be commenced by a verified complaint in the name of a private citizen or the Republic of the Philippines against any foreigner for grounds as provided for by relevant laws.

**Section 4. Initiation of Action for Deportation.** - An action for deportation may be commenced against any foreigner for grounds as provided for by relevant laws.

All complaints shall be filed with the Office of the Commissioner (OCOM), through the Central Receiving Unit (CRU), in two (2) copies plus such number of copies as there are respondents. The CRU shall docket the complaint and assign the corresponding docket number as follows: "BI Depo. No. Year-Month-Date- Series Number". All complaints shall be chronologically docketed in the order of the date that the same are filed and received.

**Section 5. Sufficiency in Form of Complaint.** - Complaint filed by private persons shall be under oath. If filed through counsel, the same shall be verified. The Complaint shall state: (i) the full name of the complainant and his postal address; (ii) the name of the Respondent foreigner, his known alias/es, if any, his given or last known address; and (iii) a concise statement of the ultimate facts constituting the deportation offense alleged to have been committed. The Complaint shall contain as annexes such documents and papers that the Complainant deems as supportive of his allegations.

Complaints initiated by way of an internally generated report or referral from a government office need not be verified but must state the required information in the immediately preceding paragraph.

**Section 6. Anonymous Complaints.** - No anonymous complaint including that where the address of the complainant is not indicated, shall be entertained unless there is evident merit to the allegations as supported by documentary or direct evidence.

**Section 7. Action on the Complaint.** -

- a. If the Complaint is found to be sufficient in form, preliminary investigation shall commence pursuant to Rule 3.
- b. In case the Complaint fails to comply with the required form under Rule 2, Section 6, the Complaint shall be dismissed.
- c. A Complaint alleging a crime or felony other than the specific offenses mentioned in Section 37(a) of Commonwealth Act No. 613, as amended, shall be recommended for immediate

dismissal. Such complaint may be referred by the BI to appropriate government agency.

A complaint for sum of money not constituting a ground for deportation under Section 37(a) of Commonwealth Act No. 613, as amended, shall be recommended for immediate dismissal.

Section 8. Withdrawal of the Complaint. - The withdrawal of the complaint shall not automatically cause the dismissal thereof. When there is evident merit to the complaint, the same shall be given due course notwithstanding the withdrawal.

### **RULE 3 PRELIMINARY INVESTIGATION**

**Section 1. Preliminary Investigation; Purpose.** - Upon referral of the complaint, the Legal Division through the Special Prosecutor shall conduct a preliminary investigation, which shall not exceed sixty (60) days from referral, to determine whether there is sufficient ground to engender a well-founded belief that a violation of the immigration law has been committed and that the Respondent is probably guilty and should be charged.

**Section 2. Procedure.** - The preliminary investigation shall be conducted as follows:

- a. In case the Complaint is patently without merit, the Special Prosecutor shall within ten (10) days from referral, recommend its dismissal. Such recommendation shall be forwarded to the Chief, Legal Division for review who shall forward the same to the Commissioner for approval/ disapproval.
- b. In case the Complaint deserves due course, the Special Prosecutor shall within two (2) days from assignment, issue an Order directing the Respondent to submit his Answer in the form of a Counter-Affidavit or Memorandum with supporting documents/papers within ten (10) days from receipt with proof of service thereof to the Complainant.
- c. Within ten (10) days from submission of the Answer or when none is filed, the Special Prosecutor shall resolve the complaint and determine if there is sufficient evidence to issue a Charge Sheet.

### **RULE 4 THE CHARGE SHEET**

**Section 1. Charge Sheet.** - A Charge Sheet is an accusation in writing issued by the Special Prosecutor and approved by the Chief, Legal Division, charging a foreigner with violation of immigration laws.

To prevent the Respondent from leaving the country or from adjusting his immigration status, the Charge Sheet shall contain an order including the foreigner's name in the BI derogatory database (Watchlist Order).

**Section 2. Form of Charge Sheet.** - The Charge Sheet shall be written in clear, simple and concise language as to sufficiently inform the Respondent of the

nature of the charge against him and to enable him to prepare for his defense.

**Section 3. Sufficiency of the Charge Sheet.** - The Charge Sheet is sufficient if it states the: (i) name and nationality of the Respondent; (ii) the designation of the violation, (iii) the acts constituting the violation; (iv) approximate date of the commission of the violation; and (v) the place where the violation is committed.

If the Respondent's name as appearing in his passport cannot be determined, he shall be referred to by his alias with the statement that his true name is unknown at the time of the filing of the Charge Sheet.

Where the violation is committed by more than one foreigner, the Charge Sheet shall include all of them.

**Section 4. Preparation of the Mission Order upon Issuance of the Charge Sheet.** - Upon the Legal Division's issuance of the Charge Sheet, the Special Prosecutor shall prepare the Mission Order for the signature of the Commissioner.

Section 5. Effect of Petition for Habeas Corpus. - The filing of the Petition for the Issuance of a Writ of Habeas Corpus shall not suspend the deportation proceedings unless the Court issues a Temporary Restraining Order (TRO) or an Injunction Order.

## **RULE 5 MISSION ORDER**

**Section 1. Authority to Issue Mission Orders Pursuant to Executive Order No. 287, s. 2000.** - Upon a well-founded and reasonable determination based on available and verifiable civilian, immigration, law enforcement, or military intelligence report that a foreigner has committed, is actually committing or is about to commit a violation of immigration laws, or any of the Philippine laws, rules and regulations, which may constitute grounds for deportation, the Commissioner, or in his absence, the Acting Commissioner, in the interest of national security, public health, public safety and/or national interests, may issue a Mission Order directing appropriate officers of the Bureau of Immigration to conduct verification and investigation operations against the foreigner concerned, and if probable cause exists, to effect a warrantless arrest of such foreigner in accordance with Section 5, Rule 113 of the Revised Rules of Criminal Procedure, if found in flagrante violating Philippine Immigration laws.

**Section 2. Contents and Validity of a Mission Order.** - A Mission Order shall be valid for seven (7) working days from its issuance and shall contain the following information:

- a. Full name, known alias/es, if any, specific address/es and other known personal circumstances of the subject foreigner;
- b. Complete names and designation of the BI Personnel who will serve and execute the Mission Order;
- c. Date of issuance of the Mission Order; and
- d. A directive to the BI personnel to conduct verification and