

**[BOI OFFICE MEMORANDUM NO. ADD-01-004,
June 07, 2001]**

REVISED RULES FOR DEPORTATION PROCEDURES

Commonwealth Act (C.A.) No. 613, also known as the *The Philippine Immigration Act of 1940*, Section 37 (c), as amended, provides:

(c) No alien shall be deported without being informed of the specific grounds for deportation nor without being given a hearing under rules of procedures to be prescribed by the Commissioner of Immigration. (Sic)

Hence, the following Revised Rules on Deportation Procedures are hereby promulgated

REVISED RULES FOR DEPORTATION PROCEEDINGS

Rule I. *Deportation Proceedings, Nature and Conduct.* — Deportation proceedings are administrative in character, summary in nature and need not be conducted strictly in accordance with ordinary court proceedings.

Rule II. *Deportation. How Initiated.* — A complaint for deportation may be commenced by a verified complaint. An Intelligence Report based on an official investigation or referral by a government office may also initiate deportation proceedings.

Rule III. *Contents of a verified complaint.* — A complaint for deportation shall be verified. It shall specify the name of the alien, the known address and the specific act or acts constituting a violation of C.A. No. 613, as amended.

An Intelligence Report under Rule I of these Rules need not be verified, but must state the information in the proceeding paragraph.

This Rule shall also apply to all complaints for deportation on the ground of undesirability.

Rule IV. *Action on a Complaint Alleging Crime or Felony.* — A complaint for deportation alleging a crime or a felony shall be immediately referred to the appropriate government agency. If a crime or felony involves moral turpitude, however, the complaint shall proceed as provided under Rule VI of these Rules.

Rule V. *Action on Complaint for Sum of Money.* — Where a complaint for deportation is an action for a sum of money, the complainant shall be advised in writing to seek relief at the appropriate government agency. However, a complaint that alleges that the alien with defraud his creditors by absconding or alienating properties to prevent them from being attached or executed shall proceed as

provided under Rule VI of these Rules.

Rule VI. *Where to File Complaint For Deportation.* — A complaint for deportation shall be filed at the Office of the commissioner, for determination of prima facie case. A prima facie case for deportation shall be immediately referred to a Special Prosecutor, for the preparation of charges the Commissioner shall dismiss a complaint for deportation where there is the absence of a prima facie case.

Rule VII. *Duty of Special Prosecutor. When Dismissal is Ineffective.* — The Special Prosecutor shall have within three (3) days from receipt of a copy of the Intelligence Post Mission Report to prepare written charge against an alien who is under the custody this Bureau. The written charges shall be attached to the deportation records of the alien. The alien, his counsel and his embassy shall be provided with a certified true copy of the charges within the same period. Proof of notice/service shall be attached to the Special Prosecutor's copy of the charges.

Rule VIII. *Transmittal of Deportation Records to the Executive Director.* — The Special Prosecutor shall transmit the entire deportation records under Rule I to the Executive Director, who shall assign a docket number and prepare three (3) copies for the Board Commissioners. He shall also maintain a copy of the deportation records for the Executive Office.

Rule IX. *Submission of Memoranda.* — Upon his receipt of the charges, under Rule I, the alien shall submit four (4) copies of his verified memorandum to the Executive Director. The memorandum shall raise all available defenses with true copies of documentary evidence, if any. The Executive Director shall forward a copy of the memorandum to the Special Prosecutor. The Special shall then file his comment and/or opposition to the Executive Director within three (3) days from receipt thereof.

Rebuttal and sur-rebuttal and/or evidence shall not be allowed. Only one (1) motion for extension, for a period not exceeding three (3) days, shall be entertained under these Rules. Neither shall any other pleading be entertained.

Rule X. *Setting for Deliberation.* — Upon submission of the memoranda of the alien and the Special Prosecutor, the Executive Director shall set a date for deliberation by the Board of Commissioners. Each of the Commissioners shall be provided with advance and complete copies of the deportation records, at least three (3) days before the date set for deliberation.

Rule XI. *Resolution of Memoranda. Judgment.* — The Board of Commissioners shall convene as a collegial body on a date set for deliberation to resolve the memoranda of the Special Prosecutor and the alien. The Judgment shall indicate a brief narration of facts, the findings of the Board of Commissioners, the issues involved and a definite ruling. The Executive Director shall be provided with a certified true copy of the Judgment.

Rule XII. *Promulgation of Judgment.* — The Executive Director shall promulgate the Judgment of the Board of Commissioners. Promulgation may be effected by direct service of a certified true copy of the Judgment to the alien, his counsel or the embassy concerned. Proof of service shall be attached to the Judgment, for record purposes. A certified true copy of the Judgment shall also be transmitted to the