

[DFA DEPARTMENT ORDER NO. 11-97, February 25, 1997]

IMPLEMENTING RULES AND REGULATIONS FOR REPUBLIC ACT NO. 8239, "PHILIPPINE PASSPORT ACT"

Pursuant to Section 21 of Republic Act 8239 which was signed into law by the President on 22 November 1996, the following Implementing Rules and Regulations (IRR) are hereby prescribed to carry out the provisions of the said Act.

ARTICLE 1

Title

These rules and regulations shall be known and cited as the Rules and Regulations Implementing the Philippine Passport Act of 1996 (R.A. 8239).

ARTICLE 2

Purpose

These rules are promulgated to define and prescribe the procedures and guidelines for the implementation of the Philippine Passport Act of 1996.

ARTICLE 3

Declaration/Restatement of Policy

The law recognizes that the people's constitutional right to travel shall not be impaired except in the interest of national security, public safety, or public health. At the same time, the State is mandated to protect and maintain the integrity and credibility of passports and travel documents proceeding from it. To attain this objective without infringing on the people's fundamental right to travel, the Department of Foreign Affairs shall determine the requirements germane to the resolution of an application for a passport or travel document and shall act on such application without unnecessary delay and in accordance with the schedule which it shall formulate in connection therewith.

ARTICLE 4

Definitions

a) Passport means a document issued by the Philippine government to its citizens requesting other governments to allow its holder to pass safely and freely, and in case of need to give him/her lawful aid and protection.

b) 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 for a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under any of the categories enumerated hereunder:

1. 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;
2. A Filipino citizen being sent back to the Philippines;
3. An alien spouse of a Filipino and dependents who have not yet been naturalized as a Filipino and who are travelling to the Philippines or are permanent residents of the Philippines;
4. Aliens permanently residing in the Philippines who are not able to obtain a foreign passport and other travel documents; and
5. A stateless person who is likewise a permanent resident, or a refugee granted such status or asylum in the Philippines.

c) Supporting Document means any paper or document which may be required to be submitted with the passport application supporting claims to Filipino citizenship, identity and/or personal circumstances.

d) Secretary means the Secretary of Foreign Affairs

e) Department means the Department of Foreign Affairs

ARTICLE 5

Authority to Issue, Deny, Restrict or Cancel

SECTION 1. The Secretary or his duly authorized representative or consular officer shall act on all applications for a passport. Pursuant thereto, he may issue, verify, restrict, cancel or refuse a passport in the jurisdiction or post where the application was filed.

SEC. 2. The Secretary or his duly authorized representative or consular officer may refuse to issue a passport, or restrict its use or withdraw or cancel a passport on the ground that its issuance or continued use would be detrimental to national security, public safety and public health. In case of such refusal, restriction, withdrawal or cancellation, the applicant, either personally or through counsel, shall be afforded the opportunity to be heard: Provided, however, that the application for the issuance of a passport or travel document may not be denied if the same is necessary to protect the safety and interest of the Filipino citizen applying therefor.

SEC. 3. The refusal to issue a passport or the cancellation thereof shall not preclude the issuance of a travel document to allow the safe return by a Filipino citizen to the Philippines.

SEC. 4. The Secretary or his duly authorized representative or consular officer

abroad may issue regular passports, instead of travel documents, to holders of passports which have been tampered with or issued under assumed/fictitious names, or with falsified birth data, provided the following conditions exist:

a) That there is a special supervening circumstance justifying the issuance of a new passport, such as:

1. That the holder, using his/her real name, has obtained legal residence permit, or legalized his/her stay, or in possession of proofs/documents to legalize his stay in the country where sojourning;
2. That the holder, using his/her real name, is legally married to a national of the country where sojourning; and
3. Other special supervening circumstances or humanitarian reasons as may be determined by the Consular Officer concerned.

b) That this privilege could be availed of only once by the Filipino applicant concerned, and that no pending civil or criminal case against the applicant is filed in any Philippine Court.

c) That issuance is subject to the presentation of primary authenticated identification documents, e.g. birth and baptismal certificate, marriage contract, etc.

d) That the tampered cancelled passport should be transmitted to the Department.

e) That the holder should be required to execute a sworn-statement indicating the circumstances involved in obtaining the false passport and his/her willingness to cooperate with the Department for further prosecution of the case, if warranted.

f) That issuance of passport is without prejudice to filing of appropriate charge for acts committed in violation of law.

ARTICLE 6

Requirements for the Issuance of a Regular Passport

SEC. 1. No passport shall be issued to an applicant unless the Secretary or his duly authorized representative or consular officer is satisfied that the applicant is a Filipino citizen who has complied with the following requirements:

a) personal appearance of the applicant or by a parent or legal guardian of a minor applicant.

Personal appearance shall not be required in the case of minors who are not more than eight (8) years old, senior citizens who are at least sixty five (65) years old, and mentally/physically disabled applicants.

b) a duly accomplished application form

c) three colored photographs whose size is 1.77" x 1.37" with plain light

background, showing a clear front view of the applicant's face.

d) a birth certificate duly issued or authenticated by the Office of the Civil Registrar General (OCRG) or a certification that a delayed registration of birth has been filed with the OCRG, accompanied by a copy of the certificate of birth.

1. If the applicant was born before 1950 and his birth certificate has been destroyed, damaged, or is not available due to other causes, 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 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.

Filipinos who do not subscribe to any religion and whose parents for any reason failed to have the said applicant baptized shall be exempted from the requirement to present a baptismal certificate as prescribed in the preceding paragraph. In lieu thereof, the applicant shall execute an affidavit to that effect duly corroborated by the affidavit of at least two (2) persons of good reputation who personally know such fact.

2. If the applicant was born in or after 1950 and his birth certificate has been destroyed, damaged or is not available due to other causes, he shall be required to reconstruct the same by filing a delayed registration of birth with the Local Civil Registrar. In case of applicants born outside Metro Manila, the delayed registration of birth may be filed with the National Statistics Office (NSO).

e) other supporting documents which may be required by the Secretary or any authorized representative or consular officer, for the purpose of verifying the identity, citizenship and personal circumstances of the applicant such as:

1. Voter's affidavit or voter's identification card
2. Baptismal certificate
3. School Records (Form 137)
4. Marriage Contract
5. Land Titles
6. Proof of Service with Philippine Government
7. GSIS/SSS Records
8. Naturalization Certificate
9. Birth certificates of any one or two of the following:

- a. parents
 - b. spouse
 - c. children
 - d. brothers or sisters
10. Death certificate of spouse/parents
 11. Seaman's book
 12. Professional Regulatory Commission (PRC) identification card
 13. Technical Skills Development Authority (TESDA) Certificate of Competency or Notice of Artist Record Book (ARB) issued by the Philippine Overseas Employment Administration (POEA)
 14. National Bureau of Investigation (NBI) clearance
 15. Certificate of Identity and Tribal Membership issued by the Office on Muslim Affairs (OMA)
 16. Counseling Certificate issued by the Commission on Filipinos Overseas (CFO)
 17. Any other official and genuine document that may contain information about the applicant.

SEC, 2. The issuance of passports to married, divorced or widowed women shall be made in accordance with the following provisions:

a) In case of a woman who is married and who decides to adopt the surname of her husband pursuant to Art. 370 of Republic Act No. 386, she must present the original or certified true copy of her marriage contract, and one photocopy thereof.

In addition thereto, a Filipino who contracts marriage in the Philippines to a foreigner, shall be required to present a Certificate of Attendance in a Guidance and Counseling Seminar conducted by the CFO when applying for a passport for the first time.

b) In case of annulment of marriage, the applicant must present a certified true copy of her annotated Marriage Contract or Certificate of Registration and the Court Order effecting the annulment.

c) In case of a woman who was divorced by her alien husband, she must present a certified true copy of the Divorce Decree duly authenticated by the Philippine Embassy or consular post which has jurisdiction over the place where the divorce is obtained or by the concerned foreign diplomatic or consular mission in the