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BY REPRESENTATIVES HOFER, ROMUALDO, GO (E.C.), ESPINA, SY-ALVARADO, NIETO, SAVELLANO, ERIGUEL, LAZATIN, TAMBUNTING, SAGARBARRIA, DATOL, RODRIGUEZ, ESPINO, BAÑAS-NOGRALES, OLIVAREZ, SALCEDA, DEL MAR, ROBES, KHO (E.), TY (D.), TUTOR, VALMAYOR, CARI, GULLAS, CHATTO, PINEDA, MATBA, AMATONG, MARTINEZ, DAGOOC, REVILLA, BABASA, CABATBAT, PACQUIAO (A.), ALBANO, BASCUG, PLAZA, MANGUDADATU, ESTRELLA, FERNANDEZ, LOPEZ, PEÑA, PALMA, VARGAS, FRASCO, FERRER (J.M.), GATO, DY (I.P.), TULFO, SILVERIO, VIOLAGO, LABADLABAD, ALVAREZ (G.), MACAPAGAL ARROYO, BAUTISTA-BANDIGAN, CANAMA, DAZA, ERICE, FLORES, LAGMAN, ONG (J.), TALLADO, UMALI (M.V.), VILLANUEVA (N.), AGABAS, ERMITA-BUHAIN, LUSOTAN, SINSUAT, SANGCOPAN, MANGAOANG, LIM, FERRER (L.), CAMINERO, SANCHEZ, BILLONES, KHO (W.), MARIANO-HERNANDEZ, ACOP, BUSTOS, CASTELO, CASTRO (F.H.), FORTUNO, GARIN (S.), NAVA, PIMENTEL, SALO, UY (R.), ABUNDA, ORTEGA, BOLILIA, ALVAREZ (F.), BARZAGA, HERNANDEZ, MARQUEZ, MERCADO, JALOSJOS, TEVES (J.), TAN (S.), ROQUE, ACOSTA, CABREDO, GONZALES (A.), MADRONA, PADUANO, SUAREZ (A.), TY (A.), ALONTE, VILLAFUERTE, DALIPE, ROMUALDEZ (Y.M.), DELOS SANTOS, LAGON, LACSON-NOEL, COLLANTES, RIVERA, ABUEG-ZALDIVAR, ONG (R.), SUANSING (E.), ARAGONES, UY (J.), ACOSTA-ALBA, OUANO-DIZON, DELOSO-MONTALLA, ARENAS, EBCAS, DE VENECIA, GO (M.), CRISOLOGO, SINGSON-MEEHAN, HARESCO, LACSON, VILLA, SACDALAN, ESCUDERO, FUENTEBELLA, ROMERO, SUNTAY, DY (F.M.C.), GARCIA (P.J.), DEFENSOR (L.), ABU, GARCIA (J.E.), SUANSING (H.), TEJADA, CHIPECO, PICHAY, JIMENEZ, ECLEO, NOLASCO, GATCHALIAN, NOGRALES (J.J.), GORRICETA, PADIERNOS, FORTUN, BELMONTE, CUA, GASATAYA, MATUGAS, GONZAGA, CUARESMA, LIMKAICHONG, ZUBIRI, CALDERON, CAMPOS, SUAREZ (D.), GONZALEZ, MOMO, ZAMORA (W.K.), BALINDONG, BARBA, BERNOS, BRAVO, DALOG, DIMAPORO (A.), FARIÑAS (R.C.), MARIÑO, NATIVIDAD-NAGAÑO, VELASCO AND ROMAN, PER COMMITTEE REPORT NO. 717

AN ACT
PROVIDING FOR A NEW PASSPORT LAW, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 8239, OTHERWISE KNOWN AS THE *"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 shall be known as the *"New Philippine Passport Act."*

SEC. 2. ***Statement of Policy.*** – The people's constitutional right to travel is inviolable. Accordingly, the government has the duty to issue passports or any travel document to any citizen of the Philippines or individual who complies with the requirements of this Act, using, as much as practicable, the latest tamper-proof, personalization, and data management technology. The right to travel may be impaired only when national security, public safety, or public health so 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. The government shall ensure expeditious action on such applications and the issuance of passports and travel documents.

SEC. 3. ***Definition of Terms.*** – As used in this Act:

(a) *Ambassadors* refer to those who have been appointed as Chiefs of Mission and are currently serving as Ambassadors Extraordinary and Plenipotentiary;

(b) *Biographic data* refers to an individual's full name, birthdate, birth place, and sex as recorded in the certificate of live birth or report of birth;

(c) *Biometric data* refers to front facing photograph, fingerprint, iris scan and/or such other identifiable features of an individual;

(d) *Convention on International Civil Aviation or Chicago Convention* refers to the Convention which sets out certain principles and arrangements for the development of international civil aviation and establishment of international air transport services signed in Chicago in 1944 and which entered into force in 1968;

(e) *Consular Offices* (CO) refer to field offices of the Department of Foreign Affairs (DFA) Office of Consular Affairs located in the Philippines where passport and consular services are provided;

(f) *Consular Official* refers to a DFA official assigned to the Office of Consular Affairs, DFA Consular Offices in the Philippines and Foreign Service Posts, who is responsible for providing passport and other consular services.

(g) *Fugitives from justice* refer to those who flee after conviction to avoid punishment and those who, after being charged, flee to avoid prosecution;

(h) *Foreign Service Posts* (FSPs) refer to embassies, missions, consulates general, and other foreign service establishments maintained by the DFA;

(i) *ICAO* refers to the International Civil Aviation Organization, a specialized agency of the UN, established by UN Member States in 1944 to manage the administration and governance of the Convention on International Civil Aviation or the Chicago Convention;

(j) *ICAO Document 9303* refers to the latest edition of the compendium of ICAO technical requirements, standards and recommended practices for the production of machine readable travel documents;

(k) *Issuing authority* refers to the DFA Office of Consular Affairs, DFA Consular Offices in the Philippines, or the Philippine Foreign Service Posts overseas which issue passports and provide other consular services;

(l) *Large scale* refers to the commission of any of the offenses under this Act against three (3) or more persons individually or as a group;

(m) *Machine Readable Travel Document* refers to an official document, conforming with the specifications contained in ICAO Document 9303, issued by a State or organization, which is used by the holder for international travel and which contains mandatory visual data and a separate mandatory data summary in a format which is capable of being read by a machine;

(n) *Passport* refers to the ICAO-compliant machine readable travel document issued by the Philippine Government which contains a request to other governments to permit its bearer to pass safely and freely, and to provide all lawful aid and protection, if needed;

(o) *Recognized alien residents* refer to aliens who are permanent residents of the Philippines, or who are Stateless persons or refugees, as recognized by the Philippine Government;

(p) *Syndicate* refers to a group of three (3) or more persons conspiring with one another; and

(q) *Travel Document* refers to a form of identification, compliant with current ICAO standards, that the Philippine government

issues to its citizens or recognized residents so they can cross international borders in lieu of a regular passport.

SEC. 4. ***Authority to Issue, Deny, or Revoke***. — Upon the application of any qualified Filipino citizen, the Secretary of Foreign Affairs, herein after referred to as Secretary, or any duly authorized consular officer may issue passports in accordance with this Act.

Philippine consular officials in a foreign country shall be authorized by the Secretary to issue, verify, deny, or revoke a passport in the area of jurisdiction of the Foreign Service 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 officials may, after due hearing and in their proper discretion, deny issuance of a passport or revoke a passport: *Provided, however,* That such act shall not mean a loss of or a 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 are at stake: *Provided, finally,* That denial or revocation of a passport shall not prevent the issuance of an Emergency Travel Document.

SEC. 5. ***Requirements for the Issuance of a Passport.*** – The Secretary, or a duly authorized consular official, shall issue a passport to an applicant who is a Filipino citizen and who has complied with the following requirements:

(a) A duly accomplished application form;

(b) Proof of citizenship as prescribed by relevant laws regarding the acquisition of Philippine citizenship which include, but are not limited to:

(1) Birth Certificate or Report of Birth, whichever is applicable, for natural born citizens authenticated by the Philippine Statistics Authority (PSA);

(2) Naturalization Certificate for Naturalized citizens;

(3) Filipino Identification Certificate by Election for those who were born before January 17, 1973, of Filipino mothers, and who elected Philippine citizenship upon reaching the age of majority; or

(4) Documents issued upon Reacquisition or Retention of Philippine citizenship under Republic Act No. 9225 otherwise known as "Citizenship Retention and Reacquisition Act of 2003";

(c) Valid and sufficient proof of identity;

(d) PSA authenticated Marriage Certificate or Report of Marriage, whichever is applicable, for a married woman who wishes to use her husband's surname;

(e) Duly annotated PSA authenticated Marriage Certificate or Report of Marriage, whichever is applicable, of a woman who wishes to revert to the use of her maiden name by virtue of an annulment, declaration of nullity of marriage, legal separation, or a judicially-recognized divorce; or Death Certificate or Report of Death of the husband;

(f) For a minor applicant, the application may be filed by either parent: *Provided*, That if a person other than the minor's parents files the application, a Special Power of Attorney (SPA) duly executed by a person exercising parental authority must be presented for this purpose;

(g) Written consent of the Department of Social Welfare and Development (DSWD), if the applicant is a prospective adoptive child under Republic Act No. 8552, otherwise known as the "Domestic Adoption Act of 1998." If the applicant is a prospective adoptive child of a non-Filipino citizen, or a relative within the fourth civil degree of consanguinity or affinity under Republic Act No. 8043, otherwise known as the "'Inter-Country Adoption Act of 1995", the following shall be presented:

1) Authenticated birth certificate from the PSA or a foundling certificate from the DSWD;

2) Placement Authority issued by the Inter-Country Adoption Board (ICAB); and

3) Certification issued by the DSWD;

(h) For applicants who are sixty-five (65) years old and above, who are renewing their passports, the DFA shall implement a system wherein the applicants may submit their application without the need to physically appear in the Office of Consular Affairs or any Consular Office, through the use of available technology, as far as practicable;

(i) In case of discrepancy, the applicant's name or other details in the birth certificate or report of birth shall prevail over that appearing in any other public or private document: *Provided*, however, That by operation of law or through court order, the applicant is permitted to use a name other than what is officially recorded in the PSA or the Local Civil Registry Office (LCRO);

(j) A travel authority, issued by the head of the department, agency or office or a duly authorized representative, if the applicant is a government official or employee seeking to apply for a diplomatic or official passport; The DFA is mandated to ensure the integrity of the passport at all times. As

such, the Secretary or duly authorized consular official may require the applicant to provide additional documents until the latter adequately establishes citizenship and identity.

SEC. 6. ***Application.*** – A person applying for a passport for the first time shall be required to appear in person for biometric and biographic data capturing.

A person exercising parental authority shall assist an applicant who is a minor.

An applicant who is unable to read or write, persons with disability or a senior citizen may be assisted by a relative within the fourth civil degree of consanguinity or affinity, or by the travelling companion of the applicant. The DFA may require other or additional documents as may be specified in the rules and regulations promulgated for the implementation of this Act.

Personal appearance as well as other additional documents shall be required by the DFA as specified in the rules and regulations promulgated for the implementation of this Act: *Provided*, That, senior citizens who are sixty-five (65) years old and above may renew their passports without need of personal appearance.

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

(a) Diplomatic Passports are issued to persons with diplomatic status or

who are on diplomatic mission such as:

(1) The President and former Presidents of the Philippines;

(2) The Vice President and former Vice Presidents of the Philippines;

(3) The President of the Senate, the Speaker of the House of Representatives, and former Presidents of the Senate and Speakers of the House of Representatives;

(4) The Chief Justice and Associate Justices of the Supreme Court and the Presiding Justice of the Court of Appeals, and the *Sandiganbayan*;

(5) The Secretary, Undersecretaries and Assistant Secretaries of the DFA;

(6) The Members of Congress, the Secretary of the Senate and the Secretary General of the House of Representatives;

(7) The Ambassadors Extraordinary and Plenipotentiary of the Republic of the Philippines; Chiefs of Mission, and Foreign Service Officers of all ranks in the career diplomatic service, including designated attachés from the DFA and agencies of the government;

(8) The Secretaries of all the departments of the Executive branch;

(9) The Governor of the *Bangko Sentral ng Pilipinas*;

(10) The Official delegates to international or regional conferences accorded full powers by the President; and

(11) The 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 or the Secretary may grant diplomatic passports to officials and persons other than those enumerated herein who are on official mission abroad or are granted full powers by the President;

(b) Official passports are issued to all government officials and employees on official trip abroad but who are not on a diplomatic mission or have not been accorded diplomatic status, such as:

(1) The Undersecretaries, Assistant Secretaries of the Cabinet other than the DFA, the Associate Justices of the Court of Appeals and the *Sandiganbayan* other members of the Judiciary, and all other government officials and employees travelling on official business and official time;

(2) Staff officers and employees of the DFA 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 not exceeding two (2): *Provided,* That an increase in domestic service and household members of such officials shall be approved by the Secretary; and

(4) Spouse and minor children of the staff officers and employees of the DFA assigned to diplomatic or consular posts and offices, and representatives of other government agencies assigned abroad, when accompanying or following to join them.

(c) Regular passports are 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 (2) passports simultaneously:

(1) a regular passport for private travel; and

(2) a diplomatic or official passport when travelling abroad on diplomatic or official business. The spouse and minor children of persons entitled to diplomatic or official passports shall be

issued regular passports if they are not accompanying or following to join them.

(d) Emergency Passports, which shall be valid for one (1) year from date of issuance, are issued to Filipino citizens who have been previously issued regular passports but for one reason or another, cannot apply for or cannot be issued a regular passport.

SEC. 8. ***Grounds for Denial of Issuance of Passport or Revocation of Passport.*** – A passport application may be denied, or revoked, on the following grounds:

(a) On orders of the court, to hold the departure of an applicant because of a pending criminal case;

(b) On orders of the court, when the holder has been convicted of a criminal offense: *Provided,* That a passport may be issued after service of sentence;

(c) On orders of the court, when the holder is a fugitive from justice;

(d) When a passport was acquired fraudulently, tampered with, or issued erroneously;

(e) When a passport is returned to the DFA by other government agencies or entities: *Provided,* That revocation of the passport will not prevent the holder from being issued a new passport;

(f) On written notarized request by the person exercising parental authority over a minor applicant or passport holder, *Provided,* That, if the requesting party is not a Filipino, the consent of the Filipino parent is required;

(g) When the applicant has been found to have violated any of the provisions of this Act; and

(h) Such other disqualification under existing laws.

SEC. 9. ***Passport Databases.*** – the DFA shall create the following databases:

(a) Passport database which shall contain all current and, if available, previous passport and travel document records of Philippine citizens, including recognized alien residents.

(b) Watchlist database which shall contain the names of persons whose passport applications have been denied or whose passports were revoked under Sec. 4, as well as those persons found to have committed, or attempted to commit, offenses under Sec. 19 of this Act shall be included into a watchlist database. No passport shall be issued to the persons found in the database until they are able to meet the documentary or legal requirements for the removal of their names from the database.

The Secretary or any of the duly-authorized consular officials may recommend the inclusion of persons in the database other than those previously cited for other reasons that may provide a basis for the DFA to deny issuance of a passport to these persons.

Nothing in the above provisions shall prevent the issuance of other types of travel documents to persons included in the watchlist, at the discretion of the Secretary or duly-authorized consular officials.

(c) Stolen, lost, and revoked database which shall contain the information on passports and travel documents of persons who declared that their passports or travel documents have been lost or stolen.

The passport or travel document that has been revoked by the DFA under Sec. 4 of this Act shall also be included in this database.

SEC. 10. ***Appeal.*** – Any person whose passport application was denied or revoked shall have the right to appeal to the Secretary, whose decision may be reviewed by the appropriate court.

SEC. 11. ***Validity.*** – As provided for under Republic Act No. 10928 extending the validity of Philippine passports, regular passports issued under this Act shall be valid for a period of ten (10) years: *Provided, however,* That for individuals under eighteen (18) years of age, only a passport with five (5)-year validity shall be issued: *Provided, further,* That the issuing authority may limit the

period of validity to less than ten (10) 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. 12. ***Ownership of Passports***. – A Philippine passport remains at all times the property of the government, the holder being a mere possessor thereof for the duration of the passport's validity and the same may not be surrendered to any entity or person other than the government or its duly authorized representative.

SEC. 13. ***Names and Titles***. – Passports shall contain the full name of the applicant, but shall not include any title, profession or job description.

SEC. 14. ***Other Travel Documents***. – The following travel documents may be issued in lieu of a passport, under the circumstances listed hereunder:

(a) Emergency Travel Document, which shall be valid for one (1) year from date of issuance, for:

(1) A Filipino citizen with urgent travel requirements who, for one reason or another, has lost one's passport or whose passport has expired or is expiring and cannot be issued a regular passport;

(2) A Filipino citizen with emergency travel requirements, who has not been issued a regular passport and who, for one reason or another, cannot be issued a regular passport;

(b) Travel Document Certificate, which shall be valid for thirty (30) days from date of issuance, for:

(1) A Filipino citizen being repatriated to the Philippines;

(2) The alien spouse of a Filipino and their dependents who have not yet been naturalized as a Filipino and who are travelling to the Philippines or is a permanent resident of the Philippines returning from traveling abroad; and

(3) Aliens permanently residing in the Philippines who are not able to obtain a passport or other travel documents from their countries of origin.

(c) Convention Travel Document, which shall be valid for five (5) years from date of issuance, shall be issued for a Stateless person who is likewise a permanent resident or a refugee granted such status or asylum in the Philippines.

SEC. 15. ***Loss or Destruction of a Passport.*** – The loss or destruction of a passport shall be immediately reported to the DFA or a Foreign Service Post. The

holder of such passport shall submit an affidavit stating in detail the circumstances of such loss or destruction. As used in this Act, a lost passport is one the whereabouts of which are unknown to the applicant despite diligent search, or if known, may not be retrieved, recovered and produced by the applicant for reasons beyond the applicant's control.

Should the DFA find that the applicant made false claims or deliberately withheld information about the loss of the passport or passports, the applicant shall be held liable under Section 19(b) of this Act.

SEC. 16. ***Fees.*** – Reasonable fees, as may be determined by the Secretary, shall be collected for the processing and issuance of a passport or a travel document.

Senior citizens and persons with disability shall be entitled to at least fifty percent (50%) discount on the processing, issuance, or replacement of a passport.

SEC. 17. ***Passport Revolving Fund.*** – The DFA may charge a service fee of not more than fifty percent (50%) of the current fees, as determined in Section 16 of this Act for services rendered to applicants relating to the processing or issuance of passports requiring special consideration, waiver or issuance beyond regular office hours.

The service fees received by the DFA under this section shall constitute a revolving fund to be called the *"Passport Revolving Fund"* which may be utilized

by the DFA primarily for the improvement of its passporting and consular services and other DFA services except travel and transportation allowances and expenses.

The use and disbursement of the Passport Revolving Fund shall be subject to audit by the Commission on Audit. The Secretary shall submit a report on the collection and use of the Passport Revolving Fund to the Senate and the House of Representatives semi-annually.

SEC. 18. ***Waiver***. – The Secretary is solely authorized to waive any requirement set forth in Section 5 of this Act, as well as the fees for the processing and issuance of passports and travel documents prescribed under Section 16 of this Act.

SEC. 19. ***Offenses and Penalties***. – A passport, being a proclamation of the citizenship of a Filipino, is superior to all other official documents and as such, shall be accorded the highest respect by its holder. Any act prejudicial to its integrity is a grave crime against the security of the State and shall be penalized accordingly:

(a) ***Offenses Relating to Issuances; Penalties.*** – A fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand pesos (P60,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years shall be imposed to any person who:

(1) Acts or claims to act in any capacity or office under the Republic of the Philippines without lawful authority, accepts passport applications, grants, issues or verifies any passport or travel document to any or for any person whomsoever, or is caught selling in whatever capacity passport application forms, or lost or stolen passports and travel documents; or

(2) Acts or claims to act in any capacity, with the intention to profit thereby, intercepts a person proceeding to the DFA or any of its consular offices or Foreign Service Posts to apply for a passport, and persuades, entices, encourages, or misleads such applicant to course the application through another person or agency other than the DFA or its personnel on the pretext of facilitating its approval or issuance by the DFA; or

(3) Being neither a diplomatic or consular official, nor an employee authorized to grant, issue, or verify any passport or travel document to or for any person, and even though not claiming to be such, offers, for any material gain or consideration, to escort a passport applicant, or assist the same in booking an appointment, filling out an application form, making payments, handling application documents, or any other action relating to passport application.

A fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand pesos (P60,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, and, upon conviction, perpetual disqualified from holding public office shall be imposed to any person who:

(1) Being a diplomatic or consular official authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to any or for any person not owing allegiance to the Republic of the Philippines, whether citizen or not; or

(2) Being a diplomatic or consular officer, knowingly and willfully grants, issues, or certifies to the authenticity of any passport or travel document for any person not entitled thereto, or knowingly and willfully issues more than one (1) passport to any person except as provided for in this Act.

(b) ***Offenses Relating to False Statements; Penalties.*** – A fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand pesos (P60,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years shall be imposed to any person who willfully and knowingly:

(1) Makes any false statement in any application for passport with the intent to induce or secure the issuance of a passport under the authority of the Philippine government, for any purpose, contrary to this Act or rules and regulations prescribed pursuant hereto; or

(2) Makes any false statement in an Affidavit declaring a passport as lost while knowing its actual whereabouts or not exerting diligent effort to retrieve, recover and produce the same; or

(3) Uses or attempts to use any passport which was secured in any way by reason of any false statement.

(c) ***Offenses Relating to Forgery; Penalties.*** – Any person who:

(1) Falsely makes, forges, counterfeits, mutilates or alters any passport or travel document or any supporting document for a passport application, with the intent of using the same, shall be punished by a fine of not less than Seventy-five thousand pesos (PhpP75,000.00) but not more than One hundred fifty thousand pesos (P150,000.00) and imprisonment of not less than six (6) years but not more than fifteen (15) years. The possession of the documents herein mentioned shall be *prima facie* evidence of commission of the acts enumerated herein and the intent to use the same; or

(2) Willfully or knowingly uses or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition herein prescribed shall be punished by a fine of not less than Sixty thousand pesos (P60,000.00) but not more than One hundred fifty thousand pesos (P150,000.00) and imprisonment of not less than six (6) years but not more than fifteen (15) years.

Provided, That forgeries of five or more passports or travel documents, would be considered as massive forgery tantamount to national sabotage and shall be punished by a fine of not less than Two hundred and fifty thousand pesos (P250,000.00) nor more than One million pesos (1,000,000.00) and imprisonment of not less than seven (7) years nor more than seventeen (17) years.

(d) ***Offenses Relating to Improper Use of Passports and Travel Documents; Penalties.*** – A fine of not less than Sixty thousand pesos (P60,000.00) but not more than One Hundred fifty thousand pesos (P150,000.00) and imprisonment of not less than six (6) years but not more than fifteen (15) years shall be imposed upon any person who willfully and knowingly:

(1) Uses or attempts to use any passport issued or designed for the use of another or any supporting document for a passport application which belongs to another; or

(2) Uses or attempts to use any passport or supporting document in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant thereto; or

(3) Furnishes, disposes, or delivers a passport to any person other than to that in whose name and for whose use it was issued, except when the applicant is a minor, a senior citizen, or physically or mentally incapacitated and the passport is released to the parent, guardian or immediate relative: *Provided,* That in case of an emergency and for humanitarian reasons, at the discretion of the head of the Office of Consular Affairs or the head of the Consular Section or the Consul-General of a Foreign Service Post, the passport may be released to a third party upon the submission of a written authorization from the applicant; or

(4) Defaces or destroys a Philippine passport; or

(5) Sells, trades, pawns, mortgages or uses an issued passport or travel document as collateral to secure debt, or in any manner

uses such passport or travel document as currency or object of commerce; *Provided*, that in such situation, the buyer, trader, creditor, or mortgagee shall also be liable to the same extent as the passport/travel document holder;

(e) ***Offenses Relating to Multiple Possession of Passports; Penalties.*** – No person or individual may hold more than one (1) valid passport, except as provided for in Section 7 hereof, and any individual who possesses more than one (1) unexpired passport shall, for every unexpired passport found in the individual's possession, be punished by a fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand pesos (P60,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years: *Provided,* That the maximum fine and imprisonment shall be imposed by the court for any attempt to use or the actual use of an unexpired passport which is not in the name of the user.

(f) ***Offenses Relating to Forgery of Visas and Entry Documents; Penalties.*** – A fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Sixty thousand pesos (P60,000.00) and imprisonment of not less than three (3) years but not more than ten (10) years shall be imposed upon any person who:

(1) Knowingly forges, counterfeits, alters or falsely makes any immigrant or non-immigrant visa, permit, border crossing card, alien registration card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the Philippines or elsewhere with the intent of using the same;

(2) Knowingly uses, attempts to use, possesses, obtains, or receives any such visa, permit, border-crossing card, alien registration card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the Philippines or elsewhere, knowing it to be forged, counterfeited, altered or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained: *Provided,* That the use of forged, counterfeited, altered or falsely made visa, permit, border crossing card, alien registration card or other entry document shall be *prima facie* evidence of knowledge of its forgery, counterfeiting, alteration, or falsity; or

(3) Knowingly possesses any blank permit or engraves, sells, brings into the Philippines, or has the control or possession in any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph or impression in the likeness of any immigrant or non-immigrant visa, permit, or other document required for entry into the Philippines or elsewhere, or is in possession of the distinctive paper which has been adopted by the DFA for the printing of such visas, permits or other documents: *Provided,* That the person who forges, counterfeits, alters or falsely makes any immigrant or non-immigrant visa, permit, border-crossing card, alien registration card or other entry document shall be punished by a fine of not less than Sixty thousand pesos (Php60,000.00) but not more than One hundred fifty thousand pesos (Php150,000.00) and imprisonment of not less than six (6) years, but not more than fifteen (15) years for each visa or entry document.

(g) ***Offenses Relating to Illegal Withholding of Passport; Penalties.*** – Any person who confiscates, retains, or withholds, without any legal authority,

any valid passport issued by the DFA shall be guilty of the crime of illegal withholding of passport: *Provided,* That the act of withholding or denying passports or travel documents from applicant workers before departure, for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing rules and regulations, shall continue to be considered as "illegal recruitment" and be penalized as such crime under Section 6 (k) and Section 7, respectively, of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022.

Any person found guilty of crime of "Illegal Withholding of Passport" shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, and shall pay a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00).

If the offender is a public official, in addition to the prescribed penalties, the offender shall be dismissed from service and shall suffer perpetual absolute disqualification to hold public office.

If the offender is a corporation, partnership, association, or any juridical person, then the penalty shall be imposed upon the president, partner, manager, and/or any responsible officer of the organization who directly

participated in the commission of the violation of this Act and allowed its perpetuation and continuance: *Provided,* That in every case, the criminal conviction of the liable officer(s) shall cause and carry the automatic revocation of the business license and/or special certificate of accreditation or certificate of registration of corporation, partnership, association, or juridical person; and: *Provided further,* That these entities and their officers who are criminally held liable for the violation of this Act shall not be allowed to operate similar establishments under different names. If the offender is an alien in the Philippine territory, in addition to the penalties prescribed above, the alien shall be deported after serving sentence and be permanently barred from entering the country.

(h) The penalties provided for under this Section shall be imposed in their maximum when the offenses are committed by a syndicate or in large scale.

(i) In case any of the offenses prohibited in this Act constitutes a violation of the Revised Penal Code and the penalty imposed therein is higher than that provided in this Act, the penalty prescribed in this Act shall be imposed.

SEC. 20. ***Implementing Rules and Regulations***. – The Secretary shall issue the rules and regulations to effectively implement the provisions of and carry

out the policy set forth in this Act within sixty (60) days from the effectivity of this Act.

SEC. 21. ***Separability Clause.*** – If any part or provision of this Act is declared unconstitutional or invalid, the other provisions or parts not affected shall remain in full force and effect.

SEC. 22. ***Repealing Clause.*** – Republic Act No. 8239, otherwise known as the *Philippine Passport Act of 1996*, is hereby repealed. All other laws, decrees, orders, rules and regulations, and other issuances or parts thereof, that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 23. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a national newspaper of general circulation.

Approved,