

## REPUBLIC ACT NO. 8239

### THE PHILIPPINE PASSPORT ACT OF 1996

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, 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 set 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 her 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 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 above-mentioned 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 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 permanent resident of the Philippines;
- (d) Aliens permanently residing in the Philippines who are not able to obtain foreign passport and other travel documents;
- (e) A stateless person who is likewise a permanent resident, or a refugee granted such status or asylum in the Philippines.

Sec. 14. *Amendments.* — A passport may be amended at the request of the holder for any lawful purpose, but such amendment should be approved by the Secretary or his duly authorized diplomatic or consular officers.

Diplomatic and official passports shall be submitted for revalidation before each departure of the holder.

Sec. 15. *Loss or Destruction.* — The loss or destination of a passport should be immediately reported to the Department or the Post. The holder of such passport shall submit to the Department or Post an affidavit stating in detail the circumstances of such loss or destruction. The holder of such a passport who is in the Philippines, should also furnish the National Bureau of Investigation and the Bureau of Immigration copies of the affidavit. For those who are abroad, copies of the affidavit will be forwarded by the Post to the Department's Office of Consular Services, and in coordination with the Office of Legal and Intelligence Services, shall transmit a copy of the affidavit to the National Bureau of Investigation and Bureau of Immigration. The transmittal of the affidavit shall be accompanied by a request for the confiscation of the said passport if found, and to investigate or detain if necessary, the person attempting to use or has used the passport. All Posts will be informed of the lost passport, including pertinent information on the passport and the circumstances of loss.

No new passport shall be issued until satisfactory proof is shown that the passport was actually lost and after the lapse of fifteen (15) days following the date of submission of the affidavit of loss is herein required: *Provided, however,* That in the case of a passport reported lost be a Filipino traveling abroad, the Consulate may waive the fifteen (15) days requirement if the loss has been proven to the Consular Official's satisfaction: *Provided, further,* That in case the Filipino who reported a loss of passport is returning to the Philippines, the holder may be issued a Travel Document: *Provided, finally,* That in the event the lost passport is found, it should be destroyed if a replacement has been issued, or mailed to the holder who was issued a Travel Document.

In all cases, the head of Office of Consular Services or the head of the Consular Section of an Embassy or the Consul General of a consulate may, upon his discretion, waive the fifteen (15)-day waiting period.

Sec. 16. *Fees.* — Reasonable fees shall be collected for the processing, issuance, extension, amendment or replacement of a lost passport and the issuance of a Travel Document as may be determined by the Department: *Provided, however,* That any fee shall not be increased more than once every three (3) years.

Sec. 17. *Passport Revolving Fund.* — The Department may charge a service fee of not more than Two Hundred Fifty Pesos (P250) for such service rendered to applicants relating to the processing and issuance of passports requiring special consideration, waiver or issuance beyond regular office hours. The service fees received by the Department under this section shall constitute a revolving fund to be called the "*President Revolving Fund*" which may be utilized by the Department for the improvement of its passporting and consular services and other Department services except travel and transportation allowances and expenses.

The setting up, use and disbursement of funds shall be subject to review, accounting and auditing rules and regulations of the Commission on Audit and will be subject to an annual review by Congress, but the Secretary will submit a report on the disbursement of the fund every six (6) months to both the Senate and the House Committees on Foreign Relations.

Sec. 18. *Waiver.* — The Secretary of Foreign Affairs is solely authorized to waive any requirements set forth in Section 5 of this Act.

Sec. 19. *Offenses and Penalties.* — A passport being a proclamation of the citizenship of a Filipino, is a document that is superior to all other official documents. As such, it should be accorded the highest respect by its holder that to do damage to its integrity and validity is a serious crime that should be penalized accordingly:

(a) *Offenses Relating to Issuances; Penalties.* — Any person who:

1. Acting or claiming to act in any capacity of office under the Republic of the Philippines, without lawful authority, grants, issues or verifies any passport or travel document to any or for any person whomsoever shall be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty thousand pesos (P60,000) and imprisonment of not less than eighteen (18) months nor more than six (6) years; or
2. Being a diplomatic or consular official authorized to grant, issue, amend or verify passports, knowingly and willfully grants, issues, amends or verifies any such passport to any person not owing allegiance to the Republic of the Philippines, whether citizen or not, shall be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty Thousand Pesos (P60,000) and imprisonment of not less than eighteen (18) months but not more than six (6) years, and upon conviction, be disqualified from holding appointive public office;
3. Being a diplomatic officer knowingly and willfully grants and issues to amends or certifies to the authenticity of any passport or travel documents for any person not entitled thereto, or knowingly and willfully issues more than one passport to any person except as provided for in this Act, shall be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty thousand pesos (P60,000) and imprisonment of not less than eighteen (18) months nor more than six (6) years and upon conviction, be disqualified from holding appointive public office.

(b) *Offenses Relating to False Statements; Penalties.* — 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, either for his own use or the use of another, contrary to this Act or rules and regulations prescribed pursuant hereto shall be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty thousand pesos (P60,000) and imprisonment of not less than three (3) years nor more than ten (10) years: or

2. Uses or attempts to use any passport which was secured in any way by reason of any false statements, shall be punished by a fine of not less than Fifteen thousand pesos (15,000) nor more than Sixty thousand pesos (60,000) and imprisonment of not less than three (3) years, but not more than ten (10) years; or

3. Travel and recruitment agencies whose agents, liaison officers or representatives are convicted of offenses relating to false statements shall in addition to the fines and penalties above-mentioned have their license revoked with all deposits, escrow accounts or guarantee funds deposited or made as a requirement of their business forfeited in favor of the government without prejudice to the officials of the branch office or of the agency being charged as accessories to the offense and upon conviction barred from engaging in the travel agency business.

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

1. Falsely makes, forges, counterfeits, mutilates or alters any passport or travel documents 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 Sixty thousand pesos (P60,000) nor more than One hundred fifty thousand pesos (150,000) and imprisonment of not less than six (6) years nor more than fifteen (15) years; 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 therein prescribed shall be punished by a fine of not less than Sixty thousand pesos (60,000) nor more than One hundred and fifty thousand pesos (P150,000) and imprisonment of not less than six (6) years nor more than fifteen (15) years: Provided, however, That officers of corporations, agencies or entities licensed in the travel and recruitment

industry would be held similarly as their agents, liaison officers or representatives: Provided, finally, 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) nor more than One Million pesos (1,000,000) and imprisonment of not less than seven (7) years nor more than seventeen (17) years.

(d) *Offenses Relating to Improper Use; Penalties.* — 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 documents for a passport application which belongs to another; or
2. Uses or attempts to use any passport or supporting documents 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, for use by another or other than the person for whose use it was originally issued or designed; or
4. Defaces or destroys a Philippine passport, shall be punished by a fine of not less than Sixty thousand pesos (P60,000) nor more than One hundred fifty thousand pesos (P150,000) and imprisonment of not less than six (6) years nor more than fifteen years.

(e) *Offenses Relating to Multiple Possession; Penalties.* — No person or individual may hold more than one valid passport, except as provided for in Section 7 hereof, and any individual who possesses more than one unexpired passport shall, for every unexpired passport found in his possession, be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty thousand pesos (P60,000) and imprisonment of not less than eighteen (18) months but not more than six (6) years: *Provided*, That the maximum fine and imprisonment shall be imposed by the court if he attempts to use or actually uses an unexpired passport which is not in his name.

In case any of the offenses prohibited in this Act constitutes a violation of the Revised Penal Code and the penalty imposed in said Code is heavier than that in this Act, the latter penalty shall be imposed.

Sec. 20. *Suspension of Accreditation.* — Any duly accredited travel or recruitment agent or agency which violates the prescription on application for passport under Section 6

hereof shall have such accreditation suspended without prejudice to civil, criminal or administrative sanctions including revocation of its license to operate.

The mere submission of spurious, forged or falsified documents supporting a passport application by any duly accredited travel or recruitment agent or agency shall be prima facie evidence that the said travel or recruitment agent is the author of such forgery or falsification.

Sec. 21. *Rules and Regulations.* — The Secretary shall issue such rules and regulations as may be necessary to implement the provisions herein within sixty (60) days from date of effectivity of this Act without extension or delays.

Sec. 22. *Separability Clause.* — Should any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder thereof shall not be affected thereby.

Sec. 23. *Repealing Clause.* — All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 24. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in at least five (5) newspapers of general circulation or in the Official Gazette.

Approved: November 22, 1996.