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**IMPLEMENTING RULES AND  
REGULATIONS FOR REPUBLIC ACT NO.  
8239, “PHILIPPINE PASSPORT ACT”**

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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.

**SECTION 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.

**SECTION 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.

**SECTION 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**

SECTION 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. Counselling Certificate issued by the Commission on Filipinos Overseas (CFO)
- 17. Any other official and genuine document that may contain information about the applicant.

SECTION 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 Counselling

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 Philippines.

When the divorcee is a Filipino Muslim, she must present a certified true copy of the Divorce Decree or a certified true copy of the Certificate of Divorce from the Shari'ah Court or the OCRG.

- d) In the event that marriage is dissolved by the death of the husband, the applicant must present the original or certified true copy of the Death Certificate of the husband or the Declaration of Presumptive Death by a Civil or Shari'ah Court, in which case the applicant may choose to continue to use her husband's surname or resume the use of her maiden surname.

**SECTION 3.** The supporting documents specified in Art. 6 Sec. 1 (c) hereof shall be admissible as evidence to prove citizenship. Applicants whose claim to Philippine citizenship is based on naturalization, election, repatriation or marriage to a Filipino citizen, shall be required to prove their citizenship by complying with the requirements specified hereunder:

- a) In case of naturalization under the Revised Naturalization Law:
  - 1. Original or certified true copy of the Oath of Allegiance to the Republic of the Philippines;

2. Original or certified true copy of the Certificate of Naturalization issued by the Court; and
3. Original or certified true copy of the Identification Certificate issued by the Bureau of Immigration duly affirmed by DOJ.

b) In case of election of Philippine citizenship:

1. Original or certified true copy of the Birth Certificate;
2. Original or certified true copy of the Marriage Contract of Parents;
3. Original or certified true copy of the Birth Certificate of applicant or any other document specified in Art. 6 Sec. 1 (e) hereof supporting her claim to Philippine Citizenship;
4. Certified true copy of the Affidavit of Election duly registered with the Local Civil Registrar;
5. Certified true copy of the Oath of Allegiance to the Republic of the Philippines duly registered with the Local Civil Registrar; and
6. Certified true copy of the Identification Certificate issued by the Bureau of Immigration duly affirmed by DOJ.

c) In case of repatriation of widowed or married women;

1. Widow
  - a. Original or certified true copy of the Affidavit of Repatriation registered with the Local Civil Registrar; and

- b. Original or certified true copy of the Oath of Allegiance registered with the Local Civil Registrar.
  2. A Filipino woman who lost her citizenship due to marriage to a foreigner before 17 January 1973;
    - a. Original or certified true copy of the Certificate of Naturalization or Repatriation; and
    - b. Original or certified true copy of the Oath of Allegiance to the Republic of the Philippines duly registered with the Local Civil Registrar.
- d) In case of an alien applicant claiming Philippine citizenship by virtue of marriage to a Filipino citizen:
  1. Marriage Contract duly authenticated by the Philippine embassy or consular post which has jurisdiction over the place where marriage took place;
  2. Proof of Philippine citizenship of husband;
  3. Affidavit of applicant that she does not possess any of the disqualifications to be lawfully naturalized;
  4. Original or certified true copy of the Oath of Allegiance to the Republic of the Philippines; and
  5. Original or certified true copy of the Identification Certificate issued by the Bureau of Immigration duly affirmed by DOJ.

SECTION 4. In case of minors applying for a passport, either parent shall accomplish and sign the passport application form for and in behalf of the minor applicant and shall attach thereto a photocopy of his/her own passport. Further, an affidavit of support and consent to travel from either parent shall be required. In case both parents are abroad, the affidavit shall be authenticated at the appropriate Philippine diplomatic or consular post. In the event that

the minor applicant is travelling out of the Philippines without either parent, a clearance from the Department of Social Welfare and Development (DSWD) shall be required.

SECTION 5. If the applicant is an adopted person, he must present a certified true copy of the Court Order of Adoption, certified true copy of his original and amended birth certificates as issued by the OCRG. If the applicant is a minor, a Clearance from the DSWD shall be required. In case the applicant is for adoption by foreign parents under R.A. No. 8043, the following, shall be required:

- a) Certified true copy of the Court Decree of Abandonment of Child, the Death Certificate of the child's parents, or the Deed of Voluntary Commitment executed after the birth of the child.
- b) Endorsement of child to the Intercountry Adoption Board by the DSWD.
- c) Authenticated Birth or Foundling Certificate.

SECTION 6. The applicant's name as appearing in his Birth Certificate shall be followed in the issuance of a passport except when:

- a) birth certificate merely indicates "Baby Boy/Girl" or omits entry of a first name;
- b) applicant has secured a court order to allow change of name;
- c) applicant is a naturalized citizen, in which case the name indicated in his Certificate of Naturalization shall be used.

The use of A.K.A. (Also Known As) shall be allowed only in the following cases:

- a) Naturalized citizens whose Certificates of Naturalization clearly allow them to use the same;

- b) Celebrities who may, at the discretion of the Secretary or his authorized representative or consular officer, be allowed to use their screen/pen/stage names.

SECTION 7. A government employee applying for an official passport shall be required to present a travel authority duly issued by the head of department, agency or office concerned. When applying for a regular passport, he should submit a letter from his agency stating that it interposes no objection to his obtaining a passport.

## **ARTICLE 7**

### **Requirements for Passport Renewal**

No passport shall be renewed by the Secretary or his duly authorized representative or consular officer unless the applicant has complied with the following requirements:

- a) duly accomplished application form;
- b) old passport
  - 1. When the passport being renewed is a brown passport, the applicant shall submit a photocopy of pages 1-4 of the passport and the page showing the latest date of arrival. In addition, he must present any of the supporting documents specified in Art. 6 Sec. 1 (e) hereof for the purpose of verifying correct use of middle name.
  - 2. When the passport being renewed is a green passport, the applicant shall submit a photocopy of the inside front and inside back covers of his passport, and the page showing the latest arrival stamp by the Bureau of Immigration.
  - 3. 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.

- c) In case of renewal, the personal appearance of the applicant shall not be required, and the application may be filed by any agency duly accredited with the Department or by a member of the immediate family of the applicant authorized in writing by the latter, provided that the Secretary or his duly authorized representative or consular officer may require the personal appearance of an applicant as he may deem fit under the circumstances.

## **ARTICLE 8**

### **Types of Passports**

There are three types of passports in general use: diplomatic, official and regular.

**SECTION 1.** Diplomatic passports are issued to the following:

- a) The President and former Presidents of the Republic of the Philippines;
- b) The Vice President and former Vice Presidents of the Republic of the Philippines;
- c) The Senate President;
- d) The Speaker of the House of Representatives;
- e) The Chief Justice of the Supreme Court;
- f) The Cabinet Secretaries;
- g) The Undersecretaries and Assistant Secretaries of the Department;
- h) Ambassadors, Foreign Service Officers of all ranks in the career diplomatic service, and Attaches;
- i) Members of Congress when on official mission abroad or travelling as delegates to international conferences;

- j) The Governor of the Bangko Sentral ng Pilipinas;
- k) Delegates to international or regional conferences when accorded full powers by the President; and
- l) 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 Republic of the Philippines and the Secretary may grant diplomatic passports to officials and persons other than those enumerated herein who are on official mission abroad.

The holder shall submit his diplomatic passport to the Department for revalidation prior to every departure from the Philippines.

SECTION 2. Official Passports are issued to all government officials and employees on official trip abroad but who are not on diplomatic mission or have not been accorded diplomatic status, such as:

- a) Undersecretaries and Assistant Secretaries of government departments;
- b) Associate Justices and other members of the Judiciary;
- c) Government officials and employees travelling on official business and on official time;
- d) Staff officers and employees of the Department assigned to diplomatic and consular posts abroad;
- e) Officers and representatives of other government departments and agencies assigned abroad;
- f) Persons in the domestic service and household members of officials assigned to diplomatic or consular posts; and
- g) Spouses and unmarried children of the officials mentioned above when accompanying or following to join them.

The holder shall submit his official passport to the Department for revalidation prior to every departure from the Philippines.

**SECTION 3.** Regular Passports are issued to Filipino citizens who are not entitled to diplomatic or official passports including government officials and employees going abroad for personal reasons.

A Filipino Muslim Traveler leaving the country for the purpose of pilgrimage to Mecca may be issued a Haj passport valid for seven (7) months and for one (1) trip only upon compliance with the following requirements:

- a) OMA Endorsement;
- b) OMA Certificate of Tribal Affiliation;
- c) Joint Birth Affidavit;
- d) Personal Appearance Guarantee Form signed by OMA.

A Haj passport is non-renewable, and may not be used as a basis for the issuance of a regular passport.

## **ARTICLE 9**

### **Grounds for Denial, Cancellation or Restrictions**

**SECTION 1.** An applicant may be denied issuance of a passport for the following reasons:

- a) on order of the court;
- b) upon the formal request by the natural or legal guardian when applicant is a minor;
- c) when the applicant has been found to have violated any of the provisions of R.A. No. 8239;

- d) upon lawful order of the Secretary when he deems it necessary to the interest of national security, public safety or public health;
- e) upon failure by the applicant to present documentary proof as specified in Art. 6, Sec. 1 (e) hereof;
- f) such other disqualifications under existing laws.

SECTION 2. A passport may be cancelled for the following reasons:

- a) upon conviction by the holder of a criminal offense. The passport may be restored after service of sentence.
- b) upon a finding by the Secretary or his authorized representative or consular officer that a passport was secured through fraud or misrepresentation, or that it has been tampered with subsequent to its release or issuance to its holder.
- c) upon lawful order of the court to hold the departure of an applicant because of a pending criminal case.

SECTION 3. A passport may be restricted with respect to its term or country of destination for the following reasons:

- a) when a foreign country is in a state of war or a state of political instability which could pose a danger to the Filipino traveler;
- b) when the Philippines has severed diplomatic ties with a foreign country;
- c) when a foreign country is subject to travel restriction by government policy or enforcement action by the United Nations;
- d) when travel has been authorized by a competent court or the Office of the President to a specified destination only; and

- e) when the applicant's supporting documents appear inadequate to establish Filipino citizenship and the travel is for urgent medical reasons, as certified by a physician, or to attend to a seriously ill immediate family member within the second degree of consanguinity or affinity.

## **ARTICLE 10**

### **Appeal**

In the event that an application for a passport is denied, or an existing one cancelled or restricted, the applicant or holder thereof shall have the right to appeal in writing to the Secretary within fifteen (15) days from notice of denial, cancellation or restriction.

## **ARTICLE 11**

### **Deposit of Passports**

A Filipino citizen abroad may voluntarily deposit his passport with any Philippine foreign service post for safekeeping, for which he shall be issued a receipt.

The withdrawal of a deposited passport must be made by the holder personally or through his authorized representative duly identified by the Embassy. Possession of the receipt plus the presentation of two (2) identification cards with picture, shall raise the presumption of ownership, and the foreign service post shall not be liable for the release of the deposited passport to any person who shall produce the receipt and present the aforesaid proofs of identity, unless written notice, previous to such release, shall have been given to the foreign service post by or in behalf of the holder that said receipt has been lost, mislaid, stolen or otherwise passed from the possession of the true owner thereof.

The holder shall promptly notify the post in writing of any change in his address or whereabouts.

The foreign service post shall cause the destruction of all passports which remain unclaimed one (1) year after its expiration, provided that it shall be duly noted in the Record of Passport Services.

## **ARTICLE 12**

### **Amendments**

SECTION 1. The passport can be amended only in the following cases:

- a) Amendment of woman's name due to marriage
- b) Amendment of woman's name due to death of spouse, annulment of marriage or divorce initiated by a foreign spouse
- c) Change of surname of a child who is legitimated by virtue of a subsequent marriage of his parents

SECTION 2. Amendments may not be made due to error in scripting or discrepancy in personal data. In such cases, the passport has to be re-issued.

## **ARTICLE 13**

### **Loss or Destruction**

SECTION 1. When the loss or destruction of a passport is reported to the Department or to an officer of the foreign service post, the holder of such passport shall be required to submit the appropriate police report and an affidavit in quadruplicate stating in detail the circumstances under which such loss or destruction occurred.

SECTION 2. In case of loss of a passport abroad, the Officer concerned shall immediately transmit the original and the two (2) copies of the affidavit to the Department, accompanied by a dispatch stating the passport number, date and place of issue, applicant's date and place of birth and other relevant information, particularly if the Officer has reason to believe that the passport was lost intentionally or through negligence.

SECTION 3. The Office of Consular Affairs shall forthwith transmit a copy of the affidavit of loss to the NBI with a request to

confiscate the passport if found, and investigate, or detain if necessary, the person who may attempt to use the passport. A circular shall be issued to inform all Philippine foreign service posts, the Bureau of Immigration and foreign embassies in Manila of such loss of passport together with its pertinent data.

SECTION 4. No new passport shall be issued until the applicant has complied with the documentary requirements laid down in the preceding paragraph, showing that the passport was actually lost and until after the lapse of fifteen (15) days following the date of submission of the affidavit of loss. Further investigation should be undertaken when an applicant is found to have declared more than two passports lost within the year.

SECTION 5. In case of loss of a passport abroad, the head of the consular establishment may issue, under extraordinary circumstances and at his discretion, a new passport upon compliance with requirements. In case the Filipino who reported a lost passport is returning to the Philippines, the holder may be issued a travel document.

SECTION 6. The Assistant Secretary for Consular Services or his authorized representative or the Consul General or head of the Embassy Consular Section may, upon his discretion, waive or shorten the fifteen (15) days waiting period.

#### **ARTICLE 14**

##### **Fees**

Passport fees shall be in accordance with the Consolidated Schedule of Fees issued by the Office of Fiscal Management Services.

#### **ARTICLE 15**

##### **Passport Revolving Fund**

SECTION 1. The Department shall charge a service fee of One Hundred Fifty Pesos (P150.00) for express passport processing.

SECTION 2. The service fees received by the Department under this section shall constitute a revolving fund to be called the Passport Revolving Fund.

SECTION 3. The said fund 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.

SECTION 4. A Special Budget for the utilization of the Passport Revolving Fund shall be prepared by the Passport Trust Fund Unit for submission to the Department of Budget and Management (DBM).

SECTION 5. The amount of income authorized to be used shall be made available upon the issuance of an Allotment by the DBM, unless the DBM issues a waiver.

SECTION 6. A quarterly report of the Fund's income and expenditure shall be submitted to the DBM, copy furnished the House Committee on Appropriations and the Senate Committee on Finance.

SECTION 7. The Passport Trust Fund Unit shall prepare a report on the disbursement of the fund every six (6) months for submission to the Senate and the House Committee on Foreign Relations.

SECTION 8. The setting up, use and disbursement of the Fund shall be subject to review, accounting, and auditing rules and regulations of the Commission on Audit.

SECTION 9. The Fund shall be subject to an annual review by Congress.

**ARTICLE 16**  
**Offenses Relating to Issuances by Diplomatic or Consular Officials**

SECTION 1. The Secretary or the Head of Post shall have jurisdiction to investigate diplomatic or consular officials for violation of any provision of R.A. No. 8239. An Administrative proceeding may

be commenced against an officer by the Secretary or the Head of Post, or upon sworn written complaint of any other person.

SECTION 2. In the case of a complaint filed by any other person, the complainant shall submit sworn statements covering his testimony and those of his witnesses together with his documentary evidence. If on the basis of such papers a prima facie case is found not to exist, the investigating authority shall dismiss the case. If a prima facie case exists, he shall notify the respondent in writing of the charges against the latter to which shall be attached copies of the complaint, sworn statements and other documents submitted, and the respondent shall be allowed three (3) days after receipt of the complaint to answer the charges in writing under oath, together with supporting sworn statements and documents, in which he shall indicate whether or not he elects a formal hearing if his answer is not considered satisfactory. If the answer is found satisfactory, the investigating authority shall dismiss the case.

SECTION 3. Although a respondent does not request a formal hearing, one shall nonetheless be conducted when the merits of the case cannot be decided judiciously without conducting such a hearing.

SECTION 4. Either party may avail himself of the services of counsel and may require the attendance of witnesses and the production of documentary evidence in his favor.

SECTION 5. The investigation shall be conducted solely for ascertaining the truth and without necessarily adhering to technical rules in the reception of evidence applicable in judicial proceedings.

SECTION 6. The investigating authority shall formally disclose his findings within thirty (30) days from the termination of the investigation which shall either dismiss the case or recommend to the Board of Foreign Service Administration the imposition of the appropriate disciplinary action against the respondent, and the filing of a criminal case against the respondent, when warranted, for violation of R.A. No. 8239.

**ARTICLE 17**  
**Violation by Other Persons**

SECTION 1. In the event that a person who is neither a diplomatic or consular official is alleged or found to have violated any provision of R.A. No. 8239, the Department, the Philippine National Police (PNP) or NBI shall conduct the necessary investigation and file appropriate charges with the Task Force on Passport Irregularities, DOJ.

SECTION 2. Whenever a case is initiated by the Department, the Research and Investigation Group (RIG) shall forthwith conduct an investigation thereof and if the evidence so warrants, file a complaint with the Task Force on Passport Irregularities, DOJ through the Office of Legal Affairs, Department of Foreign Affairs. The complaint shall be sufficient when verified and duly signed by the Director, Passport Division, and when it substantially conforms with Section 6 Rule 110 of the New Rules of Court which states:

- a) The name of the accused;
- b) The designation of the offense by the statute;
- c) The acts or omission complained of as constituting the offense;
- d) The name of the offended party;
- e) The approximate time of the commission of the offense; and
- f) The place wherein the offense was committed.

SECTION 3. Upon request by RIG, the Consular Records Division shall, as soon as practicable, make available all data pertaining to the person under investigation. RIG shall request from the NBI, the Bangko Sentral ng Pilipinas, NSO or other government agencies, such available data or information which may be needed in the conduct of its inquiry.

SECTION 4. When in the opinion of the Director, Passport Division, a case under investigation for violation of R.A. No. 8239 constitutes offenses punishable by other statutes, the same shall be forwarded to the NBI (Interpol Division) or to PNP (Intelligence Command), for further proceedings. In such cases, it shall be the duty of the NBI or PNP to file with the DOJ Task Force on Passport Irregularities, such appropriate action within thirty (30) days from its receipt of endorsement, if the evidence so warrants.

SECTION 5. Whenever a case calls for the immediate detention of a suspect under circumstances as mentioned in Sec. 5 Rule 113 of the New Rules of Court, RIG, through the Director, Passport Division, shall immediately refer the same to Interpol Division, NBI or Intelligence Command, PNP, for appropriate proceedings.

SECTION 6. Whenever a violation hereof is committed by a travel agency, its Liaison Officers or other representatives duly accredited to transact business with the Office of Consular Affairs, the same shall be referred to the Office of the Director, Passport Division which shall conduct an investigation in accordance with Article 19 hereof.

## **ARTICLE 18**

### **Accreditation of Travel and Recruitment Agencies**

SECTION 1. It is the policy of the Department to transact business only with legitimate travel/recruitment agencies. Legitimate travel/recruitment agencies are allowed the privilege to transact business with the Department on the basis of trust and confidence.

SECTION 2. No legitimate travel/recruitment agency shall be allowed the privilege to transact business with the Department for purposes of passport applications unless it has been properly accredited by the Department to do the same.

The agency applying for accreditation shall submit the following:

- a) License to do business;
- b) Certification of Business Name Registration;

- c) Contract of Accreditation;
- d) Articles of Incorporation or Partnership, when applicable;
- e) Roster of employees from the Bureau of Internal Revenue;  
and
- f) POEA Accreditation (for recruitment agencies only).

No legitimate travel/recruitment agency shall be accredited by the Department unless it executes a Contract of Accreditation with the Department.

SECTION 3. The terms of the travel/recruitment agency's privilege to transact business with the Department for the purpose of filing passport applications shall be governed by the provisions of this Order and other pertinent Department rules and regulations, and its Contract of Accreditation with the Department.

SECTION 4. The accreditation of an agency shall be effective for one (1) year, renewable within sixty (60) days from the date of its expiration, upon submission by the agency of the requirements in the preceding paragraph valid for the period of accreditation.

SECTION 5. Any travel/recruitment agency may be refused accreditation by the Department if the agency either directly or indirectly (or through its agents/liason officers) is in any way engaged, or has engaged, or has been formally accused of engaging in any criminal acts or illegal acts, falsification of passports and other pertinent documents. For this purpose, criminal conviction is not necessary.

SECTION 6. The agency applying for accreditation shall be required to post a performance and security bond in the amount of Fifty Thousand Pesos (P50,000.00) which shall be responsible for any violation by the agency or its liaison officers of the pertinent provisions of R.A. 8239, its Implementing Rules and Guidelines, the Affidavit of Guarantee, or Contract of Accreditation.

SECTION 7. An accredited travel/recruitment agency may transact business with the Department through its authorized and accredited agents or liaison officers. For this purpose, accredited travel/recruitment agencies shall submit to the Department on a periodic basis an updated list of its authorized liaison officers which is subject to the approval and accreditation by the Department. No liaison officer/agent may be allowed to transact business with the Department unless he or she has been properly accredited by the Department.

SECTION 8. No liaison officer/agent shall be accredited unless he or she has been authorized and guaranteed by the travel/recruitment agency. For this purpose, the following documents shall be submitted by the agency together with the abovementioned updated list of liaison officers:

1. Affidavit of Guarantee/Undertaking, specific to each individual liaison agent;
2. Liaison Officer's NBI Clearance; and
3. Liaison Officer's ID issued by the Licensing Office of the Local Government Unit where the travel/recruitment agency holds office.

SECTION 9. It is the obligation and responsibility of the travel/recruitment agency to ensure that the documents submitted to it by passport applicants who avail of their services are true, correct, genuine and authentic.

In like manner, it is also the obligation and responsibility of the travel/recruitment agency to submit to the Department true, valid, correct, genuine and authentic documents necessary for the passport application. Failing in these responsibilities would subject the agency and its officers to contractual liabilities, including the forfeiture of its Performance Bond, without prejudice to whatever criminal or civil liabilities it may have under the law. For this purpose, travel/recruitment agencies may formulate their own Guidelines to ensure that only true, genuine, correct and authentic documents are submitted to it by passport applicants.

SECTION 10. The travel/recruitment agency is responsible for the acts of its liaison officers. For this purpose, the Performance and Security Bond of the agency under Section 6 of this Article shall be made responsible for this purpose without prejudice to any criminal or civil liabilities that the officers of that agency may have under the law. This is also without prejudice to any other administrative action or sanctions that the Department may have against the agency or its officers or its liaison officers including but not limited to the suspension, revocation, or cancellation of its accreditation including that of its liaison officers.

SECTION 11. Submission by the liaison officer of a falsified or fraudulent document to the Department is a prima facie evidence of the agency's involvement in the commission of the said offenses and therefore subject to whatever appropriate administrative, criminal, or civil liabilities under the law.

## **ARTICLE 19**

### **Suspension/Cancellation of Accreditation**

SECTION 1. The privilege of any Travel/Recruitment agency to transact business with the Department may be suspended, cancelled, or revoked in case of violation of the pertinent provisions of this Order, or its Contract of Accreditation.

SECTION 2. Submission by any travel/recruitment agency of a fraudulent passport or supporting document, or a violation of any provision of R.A. No. 8239 and its Implementing Rules and Regulations, and the Affidavit of Undertaking submitted pursuant to Article 18 thereof, shall be sufficient ground for the revocation of its accreditation.

SECTION 3. Upon receipt of information that an agency has perpetrated acts sufficient to justify the cancellation of its accreditation, the Department shall formally require the agency to explain in writing within five (5) days from receipt of the Department's notice, why no administrative sanction shall be imposed on it for its alleged illegal acts or breach of undertaking.

After proper investigation of the case, and in case the illegal acts or breach of undertaking is conclusively proved, the agency's accreditation shall be immediately revoked. Such revocation shall cause the subject agency to be disqualified henceforth from transacting with the Department.

## **ARTICLE 20**

### **Reporting and Monitoring**

SECTION 1. All foreign service posts and regional offices shall submit the following reports regularly to the Department:

- a) Report of passports issued;
- b) Report of lost passports;
- c) Report of spoiled passports together with cancelled passports;
- d) Report of travel documents issued indicating the reasons/circumstances that compelled issuance of travel document; and
- e) Civil registry reports for transmittal to NSO (births, marriages and deaths).

SECTION 2. For new passports, all foreign service posts and regional consular offices shall indicate on the inside back cover of the passport booklet the passport number, date of issue and place of issue of the old or cancelled passport. Data of the new passport may likewise be reflected on the cancelled passport.

## **ARTICLE 21**

### **Repealing Clause**

All Department Orders, circulars and regulations which are inconsistent with this Order are hereby repealed or amended accordingly.

**ARTICLE 22**  
**Effectivity**

This Order shall take effect on 21 February 1997.

***Adopted: February 25, 1997***

**(SGD.)**  
**DOMINGO L. SIAZON, JR.**  
***Secretary of Foreign Affairs***

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