

AN ORDINANCE ESTABLISHING THE GUIDELINES ON THE ENTRY AND EXIT OF FOREIGN NATIONALS IN TUGUEGARAO CITY

Sponsored by: Hon. Imogen Claire M. Callangan

WHEREAS, the Republic Act No. 613, known as the Philippine Immigration Act of 1940, governs the entry, stay, and exit of foreign nationals in the Philippines. It governs the issuance of visas, permits, and the establishment of the Bureau of Immigration;

WHEREAS, the Foreign Investments Act of 1991 (Republic Act No. 7042) encourages foreign investments while ensuring compliance with local laws;

WHEREAS, Department of Labor and Employment (DOLE) Department No. 146-15, known as Revised Rules for the Issuance of Employment Permits to Foreign Nationals who wish to work in the Philippines must secure an Alien Employment Permit (AEP) from DOLE. This permit is required for foreign nationals who are employed or are planning to be employed in the country.

WHEREAS, Tuguegarao City is experiencing an increasing number of foreign nationals entering the city for various purposes such as tourism, business, employment and residency;

WHEREAS, while the city welcomes foreign nationals, it is essential to establish guidelines for the entry and exit of foreign nationals in Tuguegarao City to promote security, order, and adherence to legal standards.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Tuguegarao City, in session assembled, that:

SECTION 1. TITLE

This ordinance shall be known as the "Establishing Guidelines for the Regulation of Entry and Exit of Foreign Nationals in Tuguegarao City Ordinance."

SECTION 2. PURPOSE

This ordinance aims to establish guidelines for the entry and exit of foreign nationals in Tuguegarao City, ensuring compliance with the Foreign Investments Act of 1991, the Immigration Act of the Philippines, and labor laws under the Department of Labor and Employment (DOLE), while fostering collaboration between the Department of Foreign Affairs, City Tourism Office, DOLE, and national agencies. This ordinance shall apply to all foreign nationals who intend to enter Tuguegarao City for purposes of tourism, business, residency, employment or any other activity.

SECTION 4. DEFINITION OF TERMS

1. **Alien Employment Permit (AEP)** - is a document issued by the Department of Labor and Employment (DOLE) in the Philippines, allowing a foreign national to work in the country for a specific company and position. The AEP is designed to regulate the employment of foreign nationals to ensure that their employment will not pose a risk of displacing Filipino workers.
2. **Department of Local Employment (DOLE)** - the Department of Labor and Employment, the Philippine government agency responsible for enforcing labor laws and regulations for all employees and employers, including foreign nationals.
3. **Foreign National** – refers to any person who is not a citizen of the Philippines.
4. **Immigration Clearance** – refers to the official document issued by the Bureau of Immigration allowing a foreign national to enter and stay in the city.
5. **Resident** – refers to any person who stays in Tuguegarao City for more than six (6) months for purposes of business, study, employment or other legal purposes.
6. **Special Resident Retiree's Visa (SRRV)** - is a special non-immigrant visa issued by the Philippine government through the Philippine Retirement Authority (PRA). It allows foreign nationals and former Filipino citizens to live in the Philippines indefinitely, with

multiple-entry privileges. The SRRV is designed to attract retirees and provide them with various benefits, including the option to work, study, or invest in the country.

7. **Temporary Visitor** – refers to any foreign national who intends to stay in Tuguegarao City for a period not exceeding six (6) months.
8. **Visa** - a document permitting a foreign national to enter, stay, or exit the Philippines for a specified period.

SECTION 4. ENTRY REQUIREMENTS

All foreign nationals entering Tuguegarao City for purposes of Tourism, business, employment or study must:

1. Present a valid passport and visa as required by the national government.
2. Register with the City Tourism Office.
3. Provide proof of address in Tuguegarao City.
4. Submit any additional documents required by the City Tourism Office, the Bureau of Immigration, and DOLE.
5. Foreign nationals who will be employed in the city must secure the appropriate Alien Employment Permit (AEP) or other applicable work visas through DOLE.
6. For foreign nationals married to Filipino citizens:
They may apply for a Special Resident Retiree's Visa (SRRV) or other applicable visas based on their marital status, subject to approval by the Bureau of Immigration.

SECTION 5. REGISTRATION OF FOREIGN NATIONALS

1. All foreign nationals must register with the **Tuguegarao City Tourism Office** within 72 hours of arrival.
2. The registration shall include:
 - A. Personal details (name, nationality, passport number, etc.)
 - B. Purpose of stay
 - C. Place of residence within Tuguegarao City
 - D. Active Contact information
3. The City Tourism Office shall issue an identification card which must be carried by the foreign national at all times while in Tuguegarao City.

SECTION 6. MOVEMENT AND ACTIVITIES

1. Foreign nationals are required to inform the City Tourism Office of any change of address or status within five (5) working days.
2. Foreign nationals engaging in business must secure the necessary permits and licenses from the city government.
3. Temporary visitors may engage in tourism activities but must not partake in any form of employment or commercial activity without the necessary permits.

SECTION 7. EXEMPTIONS FOR SHORT-TERM VISITORS

Foreign nationals visiting Tuguegarao City for a period of less than 10 days (e.g., tourists) are exempt from registration with the City Tourism Office but must ensure to give tracking itineraries, compliance with national visa and immigration requirements upon entry into the Philippines.

SECTION 8. TRACKING OF FOREIGN ENTRIES AND EXITS

A. ENTRY:

To enhance security and monitor foreign nationals within the city, the City Tourism Office shall:

1. Maintain a centralized database to track all foreign entries and exits.
2. Require foreign nationals to provide their itinerary including the exact address where to stay and intended duration of stay during registration.
3. Conduct regular audits of the database to ensure compliance with immigration and labor laws.
4. Coordinate with the Department of Foreign Affairs, Bureau of Immigration, the City Tourism Office, and Department of Labor and Employment to report any discrepancies or violations, ensuring that all relevant information is shared promptly.
5. In the case of tourist entries, the City Tourism Office shall provide support in tracking itineraries for foreign visitors staying for less than 10 days.

B. EXIT

Foreign nationals planning to leave Tuguegarao City must:

1. Notify the City Tourism Office at least 7 days prior to departure.
2. Ensure compliance with all immigration and labor regulations.
3. Submit any necessary exit documentation as required by the Bureau of Immigration and DOLE.

SECTION 9. LOCAL BUSINESS COMPLIANCE

Foreign investors seeking to establish a business in Tuguegarao City must comply with the Foreign Investments Act of 1991, including:

1. Submission of a detailed Business Plan to the local government, which will be subject to evaluation.
2. Adherence to local zoning, business regulations, and tax laws.
3. Acquisition of all necessary local permits and licenses prior to the commencement of business operations.
4. Coordination with the City Tourism Office and relevant agencies to ensure that businesses targeting foreign tourists adhere to local tourism regulations.
5. Compliance with DOLE regulations regarding the employment of Filipino citizens and the proper acquisition of Alien Employment Permits (AEP) for any foreign nationals working within the business.

SECTION 10. EMPLOYMENT OF FOREIGN NATIONALS

Foreign nationals intending to work in Tuguegarao City must secure the necessary work permits or visas through DOLE.

1. Employers in the city hiring foreign nationals must ensure compliance with DOLE's employment requirements, including obtaining Alien Employment Permits (AEP).
2. DOLE shall conduct periodic inspections and audits to ensure that foreign nationals employed within the city are in compliance with national labor laws.

SECTION 11. MONITORING AND ENFORCEMENT

1. The Tuguegarao City Tourism Office, Tuguegarao Component City Police Station, in coordination with the Bureau of Immigration, shall be responsible for monitoring the compliance of foreign nationals with the provisions of this ordinance.
2. The local government may conduct random inspections to ensure that foreign nationals comply with the city's regulations.
3. Foreign nationals must abide by the laws, ordinances, and regulations of Tuguegarao City at all times. Violations will result in administrative or criminal penalties, and may include deportation or revocation of permits.

SECTION 9. PENALTIES AND VIOLATION

A. FOREIGN NATIONALS

1. **Failure to register (for entry)** with the City Tourism Office within the specified time frame will result in a fine of **5,000 pesos**.
2. **Failure to exit** within the date of their submitted itinerary will result in a fine of **5,000 pesos** and deportation proceedings.
3. Any foreign national found to be engaging in illegal activities, including unauthorized employment, shall be fined **20,000 pesos** and **subject to deportation proceedings**.
4. **Failure to secure an Alien Employment Permit (AEP)** while working shall result in a penalty, as imposed by the Department of Labor and Employment (DOLE) in accordance with DOLE Department Order No. 146-15, Section 15, amounting to **10,000 pesos**.

B. BUSINESS EMPLOYERS

Businesses found in violation of DOLE labor laws may face additional penalties, including but not limited to fines or suspension of business licenses in accordance with the DOLE Department Order No. 146-15.

SECTION 11. APPEALS PROCESS

Foreign nationals or business owners subject to fines or penalties under this ordinance may appeal the decision to the City Legal Office within 15 days of receiving a penalty notice. The City Legal Office shall render its decision within 30 days, taking into account evidence provided by the foreign national or business owner.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS

The Office of Foreign Affairs, in coordination with the City Tourism Office, DOLE, the Bureau of Immigration, and other relevant agencies, shall promulgate the necessary rules and regulations for the effective implementation of this ordinance within 60 days from its approval.

SECTION 13. COORDINATION WITH NATIONAL AGENCIES

The City's Office of Foreign Affairs shall coordinate with national agencies, including the Bureau of Immigration, the Department of Foreign Affairs (DFA), DOLE, and the City Tourism Office to ensure proper compliance and monitoring of foreign nationals.

SECTION 14. SEPARABILITY CLAUSE

If any provision of this ordinance is declared invalid or unconstitutional, the remaining provisions shall remain in effect.

SECTION 15. EFFECTIVITY

This ordinance shall take effect immediately upon its approval and publication in a local newspaper of general circulation.

ENACTED BY THE SANGGUNIANG PANLUNGSOD OF TUGUEGARAO CITY, this ___ day of ___, 2024.