



TRAVEL REQUIREMENTS FOR FILIPINOS

IN GENERAL, FILIPINOS TRAVELING ABROAD NEED ONLY TO PRESENT THE FOLLOWING DOCUMENTS:

- Valid passport – at least 6 months;
- Valid Original visa for port of entry(when required); and
- For tourists, a return ticket. (Memorandum Order No. MCL – 07 -019 issued on October 24, 2007).

SOME RESTRICTIONS ON THE RIGHT TO TRAVEL OF FILIPINOS

I. Minority- for the travel of unaccompanied minors, a Travel Clearance must be issued by the Department of Social Welfare and Development (DSWD) and presented to the Immigration Officer prior to departure.

A travel clearance is required and shall be secured from the DSWD by the following Filipino citizens:

1. A minor traveling alone to a foreign country;
2. A minor traveling to a foreign country accompanied by a person other than his/her parents.
3. A minor who is the subject of ongoing custody battle between parents will not be issued a travel clearance unless a Court Order is issued to allow the child to travel abroad with either one of his/her parents or authorized guardian.

EXCEPTIONS:

1. Under special circumstances where a minor whose parents are in the Foreign Service or living abroad as immigrants provided he/she possesses a proof that he/she is living with parents abroad and their travel does not constitute child trafficking.
2. A minor traveling to a foreign country with both or either parents or with his/her legal guardian. Solo parenthood or legal guardianship may be proved by:

A photocopy of the solo parent identification card from the Municipal Social Welfare and Development Office; or

A photocopy of a certification from the local Social Welfare and Development Office of being a solo parent or Tallaq or Fasakh certification from the Shariah court or any Muslim barangay or religious leader; or

In the case of an illegitimate child, a certificate of no marriage from the local civil registrar; or

In the case of a deceased parent, a photocopy of the death certificate; and

In the case of legal guardianship, a certificate of legal guardianship issued by the court.

3. In cases of illegitimate children, if they will be traveling with the mother, they are not required to secure a travel clearance from the DSWD. If they are traveling with person other than the mother, they must secure a travel clearance.

Since the mother has the absolute parental authority over her illegitimate children the father need to secure a Court Order giving him the parental authority over the illegitimate children. If the parental authority has been granted, he is not required to secure a travel clearance. If the minor will travel alone or with someone other than the father, he/she is required to secure a travel clearance.

4. DSWD travel clearance is valid for a period of 1 year from date of issuance and shall be valid for multiple travels within the validity period PROVIDED THAT the conditions under which the travel clearance was issued have not changed. If a change in condition occurs (ex. A change in traveling companion), a new travel clearance must be obtained.

The application for travel clearance together with the supporting documents shall be submitted by the parent or legal guardian or duly authorized representative at ANY DSWD field office. The application form can be downloaded from the DSWD website www.dswd.gov.ph.

The travel clearance may be obtained within 3 working days from the DSWD office where it was submitted provided all the requirements have been fulfilled. (Administrative Order no.14 series of 2005 as amended by Administrative Order no.2 series of 2008, Amendments to Omnibus Guidelines for Minors Traveling Abroad).

II. A Hold Departure Order (HDO) issued by the Regional Trial Court (RTC). (Circular No. 39-97).

III. A Watch List Order issued by the Secretary of Justice in cases pending Preliminary Investigation or Motion for Reconsideration/Pending Review before the Department of Justice (DOJ) including application for “Not The Same Person (NTSP). (Section 1 and 3 of Department Circular no.18 dated April 23, 2007).

WHEN CAN A WLO BE LIFTED OR CANCELLED?

- A WLO shall be lifted or cancelled:

a) Upon the expiration of the validity of the WLO which is 60 days from date of issuance unless sooner terminated or extended; or

b) Upon the termination of the preliminary investigation and/or petition for review before the Department of Justice, as the case may be.

- In case of application for NTSP, the following documents must be submitted:

a) duly notarized letter-request;

b) affidavit of denial; and

c) Clearance from appropriate government agencies (ex: NBI clearance or police clearance). (Section 3 and 4 of Department Order No. 18 dated April 23, 2007).

WHAT IS AN ALLOW DEPARTURE ORDER (ADO)?

- An Allow Departure Order is a directive that allows the traveler to leave the territorial jurisdiction of the Philippines. This is issued upon application to the Commissioner of Immigration and the appropriate government agency. (An outline of Philippine Immigration and Citizenship Laws, Volume I, Atty. Rolando P. Ledesma, page 34).
- For some exceptional reasons, a person subject of an HDO or WLO, may be allowed for his/her departure upon the submission of the following documents:
 - a) duly notarized letter-request;
 - b) affidavit of undertaking stating the purpose and the inclusive period of the intended travel;
 - c) authority to travel from the investigating prosecutor where the case is pending (for those under WLO); or
 - d) Authority to travel from the appropriate office where the case is pending (for those under HDO). (Section 6 of Department Order No. 18 dated April 23, 2007).

Fees for:

- a) Issuance/lifting or cancellation/extension of WLO/HDO – P2, 500.00.
 - b) Issuance of Allow-Departure Order P 2, 500.00.
 - c) Issuance of certification - P 500.00.
- (Section 8 of Department Order No. 18 dated April 23, 2007).

IV. Contract workers :

For Overseas Filipino Workers (OFW's), before departure, he/she must present a POEA Overseas Employment Certificate at the concerned immigration counter. Otherwise, they shall not be cleared for departure. (MEMORANDUM ORDER NO. ADD – 02 – 019 dated 15 April 2002).

EXCEPTIONS:

Under POEA Memorandum Circular No. 18 series of 1997).

- The Licensing and Regulation Office (LRO), specifically the Employment Regulation Branch, shall remain the focal office, in evaluating employment and/or travel documents of individuals whose nature of travel falls under special cases and shall issue an exit clearance, if necessary. Special cases shall include:

Regular employees of local companies assigned or posted abroad to their subsidiaries/mother/sister companies on secondment arrangement for a limited period and are in possession of employment or intra-company transferee visa;

Vacationing OFWs leaving on personal travel;

Former OFWs/Individuals with CW passport travelling to foreign countries with no visa to ascertain the purpose of travel; and

Religious missionaries who will be assigned temporarily abroad and are travelling on employment visa.

- Individuals who are travelling on visas other than employment such as training, foreign residence, visit, spouse/fiancee/ dependent, student, and business, need not secure exit clearance from POEA. However, in view of the peculiarities obtaining in the Korean labor market, trainee bound for Korea must obtain an exit clearance or the appropriate Overseas Employment Certificate through their respective recruitment agencies, as the case may be. The POEA Regional Centers and Regional Extension Units may issue special exit clearance herein mentioned, as may be applicable.

V. Requirements for Filipino emigrants as required by the Commission on Filipino Overseas (CFO).

They are required to register with the Commission on Filipinos Overseas (CFO).

They are required to attend in the Pre-Departure Orientation Seminar (PDOS) to prepare them for settlement overseas.

The children of emigrants aged 12 years old and below are exempt from attending the PDOS but must be registered even by proxy.

The children of emigrants aged 13 and above are required to attend the Peer Counseling Program to help facilitate their adjustment to a new environment.

In these seminars, various topics are discussed such as:

- Travel regulations;
- Immigration procedures;
- Cultural differences;
- Settlement concerns;
- Employment and social security concerns; and
- Rights and obligations of Filipino migrants. For further details, please visit the website of the Commission on Filipino Overseas at <http://www.cfo.gov.ph/pdos.htm>.

VI. Government officials :

The following persons are required to secure a travel authority to travel abroad from the Office of the President:

- a. Members of the Cabinet and officials of equivalent rank;
- b. Heads of the Government-owned and controlled corporations (GOCC's) and the Government Financing Institutions (GFI's) under or attached to the Office of the President for authority to travel abroad; and
- c. Heads of agencies under or attached to the Office of the President. (Section 1 of Executive Order No. 459 issued on September 1, 2005).

Other pertinent rules to consider about travel authority:

- In case of GOCC's and GFI's attached to the Office of the President, their officials and employees shall seek approval from the heads of these GOCC's and GFI's.
- Officials and employees of GOCC's and GFI's not attached to the office of the President shall seek approval from the Department head to which they are attached.
- The travel of Provincial Governors and Mayors of highly urbanized cities or independent component cities shall seek the approval from the Secretary of Interior and Local Government (DILG).
- Head of state universities and colleges shall seek the approval from the Chairman of the Commission on Higher Education (CHED), while all other officials and employees of state universities and colleges shall seek approval from their respective heads.

- Heads of technical and vocational schools shall seek the approval from the Chairman of the Technical Education and Skill Development Authority (TESDA), while all other officials and employees of technical and vocational schools shall seek approval from their respective heads.
- Officials and employees of agencies under or attached of the Office of the President shall seek the approval from the head of these agencies. (Section 2 of Executive Order No. 459 issued on September 1, 2005).
- Government officials and employees traveling abroad while on leave of absence need written travel authority from their respective Department heads, EXCEPT those with the rank of Assistant Secretary and above, who need the travel clearance/approval from the Office of the President. (Memorandum issued by Commissioner Rufus B. Rodriguez dated July 12, 2000).

VII. For Dual Citizenship

PROOF OF PHILIPPINE CITIZENSHIP

Only the following shall be considered as substantial proof of Philippine citizenship:

1. Genuine and valid Philippine passport; and
2. Original Identification Certificate issued by this Bureau.

ARRIVAL AND STAY

1. Filipinos with dual or multiple citizenship shall present, upon arrival in any port of entry in the Philippines, either a Philippine or foreign passport.
2. Filipinos with dual or multiple citizenship, who represents a foreign passport, may be admitted for an indefinite period of stay, being a Filipino, provided, he/she possesses and shows a genuine and valid Philippine passport and/or Identification Certificate. In the foreign passport, the immigration officer shall put either of the following notation on the provision for the authorized stay in the arrival stamp:

L“IC” – if an Identification Certificate is presented.

DEPARTURE

Filipinos with dual or multiple citizenship, who presented a foreign passport at the time of their admission into the Philippines may be cleared for departure without need of surrendering a certificate, permit or proof of payment of imposable immigration fees, provided, he/she also shows a genuine and valid passport and/or Identification Certificate. However, if the Filipino does not have a Philippine passport, an Emigration Clearance Certificate (ECC) fee of P710.00 shall be charged for using a foreign passport upon departure.

In the arrival, stay and departure of Filipinos with dual or multiple citizenship, where the Filipino presents a Philippine passport and a foreign passport, the arrival or departure stamp shall be stamped on both passports. In the foreign passport, the immigration officer shall put either of the following notations on the provision for the authorized stay in the arrival or departure stamp:

“PP”- if a Philippine passport is also presented, or
 “IC” – if an Identification Certificate is presented.

THE BALIKBAYAN PRIVILEGE (R.A.6768 as amended)

By legal definition, a Balikbayan is:

1. A Filipino citizen who has been continuously out of the Philippines for a period of at least 1 year;
2. A Filipino overseas worker; or
3. A former Filipino citizen and his or her family, who had been naturalized in a foreign country and comes or returns to the Philippines.

- The “Balikbayan Privilege” may be availed of by foreign family members of all 3 classifications provided that they travel together everytime they enter the country (MEMORANDUM dated July 1, 2008 issued by Atty. Edgardo L. Mendoza, Chief, IRD).

- “FAMILY” shall mean the spouse and the children of the Balikbayan who are not Balikbayan in their own right traveling with the latter to the Philippines. (Section 2 (b) of R.A. no. 9174, amending R.A. 6768, entitled: “An Act Instituting a “BALIKBAYAN PROGRAM”, by providing Additional Benefits and Privileges to Balikbayan and for other purposes”).

- Correspondingly, all Balikbayans 14 years and below and 60 years of age shall be allowed to extend their temporary visitor visa under Section 9a of the Philippine Immigration Act of 1940 as amended, for a maximum period of 6 months for every extension PROVIDED that all appropriate fees are paid. Thus, Balikbayans are allowed a maximum total stay of 2 years inclusive of all extensions. (MEMORANDUM ORDER NO. ADD – 02 – 011 dated 11 February 2002).

MAY AN OVERSTAYING ALIEN APPLY FOR R.A. 9225?

The answer needs a qualification.

If an alien is a former Filipino, and had overstayed, he/she may apply for R.A. 9225. During his/her application, he/she must not leave the Philippines until his/her application has been approved. Otherwise, he/she will be charged for all lawful fines and penalties due for overstaying. Thus, only natural-born citizens of the Philippines who have lost their Philippine Citizenship by reason of their naturalization as citizens of a foreign country may retain or reacquire Philippine citizenship.

On the other hand, if an alien is not a natural-born citizen of the Philippines who have lost his/her Filipino citizenship, he/she cannot apply for R.A. 9225.

Ref.: http://immigration.gov.ph/index.php?option=com_content&task=view&id=239&Itemid=37