

**Office of the President
of the Philippines
Malacañang**

MEMORANDUM ORDER NO. 24

**IMPLEMENTING GUIDELINES FOR THE BUREAU OF IMMIGRATION
SPECIAL PROVISION NO. 1 UNDER REPUBLIC ACT NO. 10964,
OTHERWISE KNOWN AS THE GENERAL APPROPRIATIONS ACT
FOR FISCAL YEAR 2018**

WHEREAS, pursuant to Section 31, Title III, Book IV of Executive Order (EO) No. 292, or the Administrative Code of 1987, the Bureau of Immigration (BI) shall be principally responsible for the administration and enforcement of immigration, citizenship and alien admission and registration laws in accordance with the provisions of Commonwealth Act No. 613 or the Philippine Immigration Act of 1940;

WHEREAS, in his Veto Message for Republic Act No. 10964, or the General Appropriations Act for Fiscal Year 2018 (FY 2018 GAA), the President acknowledged the important function of BI employees, particularly as the first line of defense in securing and protecting the country's territorial borders;

WHEREAS, the vital, exacting, and ceaseless nature of the functions of BI employees, and the constant flow of their clientele, require them to render extended hours of public service;

WHEREAS, pursuant to the BI Special Provision No. 1 of the FY 2018 GAA, the express lane fees and charges to be collected by the BI may be used to augment the salaries of BI personnel;

WHEREAS, the Philippine Immigration Act has not been updated since its passage in 1940, and the basic monthly pay of BI employees has remained extremely low in spite of the nature of their work, thereby leading to a large number of resignations and causing prejudice to the efficient delivery of frontline services;

WHEREAS, Congress has yet to pass an Immigration Modernization Law, which seeks, among others, to upgrade the current compensation system of the BI;

WHEREAS, there is a need for an interim measure to augment the salaries of BI employees, in recognition of the indispensability of their functions, the apparent disparity between the basic pay of BI employees and employees of agencies performing comparable functions, and to promote the continuous and unhampered delivery of basic government services;

NOW, THEREFORE, I, SALVADOR C. MEDIALDEA, Executive Secretary, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Augmentation Pay to BI Personnel. The Department of Justice and the Department of Budget and Management shall adopt the following guidelines

in the implementation of Special Provision No. 1 of the FY 2018 GAA as regards the use of express lane fees and charges to augment the salaries of BI personnel:

1. Express lane fees and charges collected by the BI shall be deposited in a Special Trust Fund Account with a government bank. The said collections shall comprise the "Express Lane Fund" (ELF);
2. The ELF shall be used exclusively for the following purposes –
 - a. 64% shall be used to augment the salaries of the BI's organic personnel who render service beyond regular office hours;
 - b. 25% shall be used to pay for the salaries of the BI's contractual personnel; and
 - c. The remaining 11% shall be remitted to the National Treasury as income of the General Fund;
3. The FY 2018 GAA entitles the BI organic personnel to augmentation of their salaries, on the condition that they render overtime services;
4. Item I of Immigration Administrative Order (IAO) No. JHM-2018-002 provides that the monthly augmentation pay of organic personnel who render services beyond office hours shall be determined based on the designation of personnel, the amount of the monthly ELF collections, and the total number of organic personnel;
5. The base pay of an Assistant Division Chief in the BI (Salary Grade 22), reduced by 20% of such amount, is set as the cap or limitation on the augmentation pay rates;
6. Entitlement to augmentation pay is conditioned on compliance with Section 5 of Immigration Administrative Circular (IAC) No. JHM-18-003, such that organic personnel must render service from 7:00 A.M. to 5:30 P.M., Monday to Friday, or the equivalent work hours for those working beyond 5:30 P.M. and/or Saturday, Sunday, and Holiday, with the BI rendering service continuously through the work day/period without lunch break;
7. The ELF shall be deposited in a Special Trust Fund Account in a government bank, and shall be made available for use in accordance with the abovementioned FY 2018 GAA Special Provision, and subject to the terms hereof. Thus, the augmentation pay covering the months of January to May 2018 for the entitled organic personnel shall be immediately released; and
8. ELF collections in excess of the total augmentation pay requirements in accordance with these rules and the contractual salary requirements for the year shall be remitted to the National Treasury, as income of the General Fund.

SECTION 2. Effectivity. This Memorandum Order shall take effect immediately, and shall continue to be effective until 31 December 2018, or until the passage of an Immigration Modernization Law, or a law which would increase the base pay rates of BI personnel, whichever comes first.

DONE, in the City of Manila, this **13th** day of **July**, in the year of our Lord, Two Thousand and Eighteen.

By authority of the President:


SALVADOR C. MEDIALDEA
Executive Secretary

