

Some Issues of Immigration Law in a Developing State

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33 *ATENEO L.J.* 17 (1988)

SUBJECT(S): IMMIGRATION LAW

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The Author here demonstrates the scarcity of Philippine jurisprudence on immigration law, specifically, on the power of the Immigration Commissioner to cause the arrest and search of suspected aliens. However, and the Author calls it fortunate, some of the more serious questions of Constitutional Law have been laid to rest in the landmark case of *Harvey v. Commissioner Santiago*. The work goes on to tackle the various issues concerning immigration law. As basis for the power to deport aliens, the Court relies on the right of the State to existence and to development. The deportation of aliens is described to be a police measure, having for its object the removal from the State of notorious foreigners. As to whether the Commissioner has the power to issue a warrant of arrest, the Supreme Court ruled, under the 1935 Constitution, that only a judge could issue a warrant of arrest, if the purpose was to determine the existence of probable cause. But evidently, maintains the Author, the Commissioner could issue a warrant to carry out a final order of deportation. Under the present Constitution, she points out that the Court in *Harvey* upheld the Commissioner's power to issue a warrant of arrest, thereby stating that the provision of the Immigration Act granting this power to the Commissioner "should be construed in its entirety, in view of the summary and not indivisible nature of a deportation proceeding, otherwise, the very purpose of deportation proceedings would be defeated."