

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3757**

EXPLANATORY NOTE

Article II, Section 18 of the 1987 Constitution provides that "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

In 2014, approximately 1.832 million Overseas Filipino Workers (OFWs) were deployed abroad which resulted in personal remittances from OFWs accounting for 8.5 percent of country's gross domestic product (GDP) in 2014.

Relatives and loved-ones of OFWs in the Philippines receive 400,000 balikbayan boxes every month on the average. These balikbayan boxes serve as the enduring testament of their sacrifice and hard work abroad in order to secure a better future for their families back home. It represents the love and care of OFWs for their families, who have to bear months or even years of separation from each other.

This legislation seeks to mandate the "NO OPENING OF BOX" Policy of balikbayan boxes by the Bureau of Customs (BOC) personnel and to exempt from taxes and duties one (1) balikbayan box per month, regardless of the total dutiable value of its contents.

In view of the foregoing, immediate passage of this bill is earnestly requested.


RUFUS B. RODRIGUEZ

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AN ACT

INSTITUTING THE EXPANDED BALIKBAYAN PROGRAM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6768, AS AMENDED BY REPUBLIC ACT NO. 9174, AND FOR OTHER 5 PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Section 2, sub-section (b) of Republic Act No. 6768 7 (R.A. 6768), As Amended, is hereby amended to read as follows:

"(b) THE TERM "FAMILY" SHALL INCLUDE THE FOLLOWING:

(b-1) The spouse and children of the balikbayan who are not balikbayans in their own right traveling with the latter to the Philippines;

(b-2) THE PARENTS, GRANDPARENTS, BROTHERS OR SISTERS (WHETHER BY WHOLE OR HALF-BLOOD) OF THE BALIKBAYAN; AND

(b-3) THE RELATIVES OF THE BALIKBAYAN BY CONSANGUINITY IN THE COLLATERAL LINE WITHIN THE FOURTH (4TH) DEGREE OF RELATIONSHIP."

Section 2. A new sub-section under Section 2 is hereby inserted to read as follows:

"SECTION 2. Definition of Terms. - For purposes of this Act:

(a) xxx;

(b) xxx;

(c) xxx; AND

(d) THE TERM "BALIKBAYAN BOX" SHALL MEAN THE RECEPTACLE OF PERSONAL AND/OR HOUSEHOLD EFFECTS, INCLUDING LIVELIHOOD TOOLS, IN NON-COMMERCIAL QUANTITY WHICH ARE SENT BY BALIKBAYANS TO THEIR FAMILY AS DEFINED IN THIS ACT."

Section 3. A new sub-section under Section 3 is hereby inserted to read as follows:

"SECTION 3. Benefits and Privileges of the Balikbayan. - The balikbayan and his family shall be entitled to the following:

XXX

(H) ONE (1) BALIKBAYAN BOX MEASURING 24 INCHES BY 24 INCHES BY 30 INCHES (24X24X30), SENT EACH MONTH BY A BALIKBAYAN TO HIS OR HER FAMILY SHALL BE EXEMPTED FROM ALL DUTIES AND TAXES IMPOSED UNDER THE NATIONAL INTERNAL REVENUE CODE OF 1997 (NIRC), AS AMENDED, AND THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES (TCCP), AS AMENDED.

UPON ENTRY AT EACH GOVERNMENT PORT, BALIKBAYAN BOXES SHALL ONLY BE SUBJECTED TO NON-INTRUSIVE

METHODS OF INSPECTION BY THE BUREAU OF CUSTOMS (BOC) PERSONNEL, THROUGH THE USE OF TRAINED CANINE UNITS, X-RAY DETECTION AND INSPECTION SYSTEMS OR OTHER SIMILAR TECHNOLOGIES AND SHALL NOT BE OPENED BY BOC PERSONNEL. BALIKBAYAN BOXES CAN ONLY BE OPENED BY BOC PERSONNEL IN THE FOLLOWING CIRCUMSTANCES:

(1) WHEN THE CONSIGNOR'S EXPORT DECLARATION AND PACKING LIST ARE NOT ATTACHED TO THE BALIKBAYAN BOX; OR

(2) WHEN THE BOC IS IN RECEIPT OF A WRITTEN DEROGATORY ALERT/INFORMATION FROM LAW ENFORCEMENT AND OTHER GOVERNMENT AGENCIES, OR PRIVATE SOURCES, PROVIDED THAT IN THE LATTER CASE, THE INFORMATION IS EMBODIED IN A SWORN STATEMENT ALLEGING THAT THE BALIKBAYAN BOX CONTAINS BANNED, PROHIBITED, OR REGULATED IMPORT COMMODITIES AS LISTED UNDER THE TCCP OR RELATED LAWS AND ISSUANCES."

Section 4. Separability Clause. Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

Section 5. Repealing Clause. All laws, decrees, orders, and issuances, or portions thereof: which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 6. Effectivity Clause. This Act shall take effect after fifteen (15) days from its publication in two (2) newspapers of general circulation.

Approved,