

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
1st Regular Session

House Bill No. 6421



Introduced by Representatives ERIC GO YAP and PAOLO Z. DUTERTE

EXPLANATORY NOTE

"It's more fun in the Philippines." The country has been consistent with its efforts on attracting travelers to come into the country, whether for personal leisure or for business venture. Tourism is one of the biggest sources of what runs the economy, as travelers tend to spend and invest during their stay.

As carrying huge amount of cash during travel constitutes a high risk, travelers are encouraged to bring just enough money and to withdraw money through local ATMs as may be needed. However, some travelers still prefer to carry cash for various reasons. While bringing in a large amount of money to another country is not illegal, the amount and its proceeds should be properly declared.

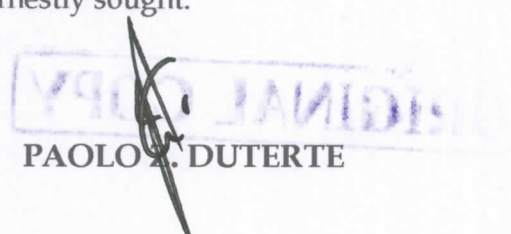
Carrying in of large sum of money has been nothing but tolerated in the Philippines. While travelers to other countries are required to undergo security questioning when they bring in more than \$10,000 cash, travelers entering the country only have to declare it through the Declaration Form upon arrival and nothing else.

Recently, there have been numerous reports of travelers bringing in huge amounts of money into the country. Since it would be difficult to trace and document cash transactions, the money brought in into the country may be used for illegal activities. Thus, there is a significant need to increase our vigilance over money laundering.

This bill seeks to penalize individuals who smuggle or attempt to smuggle bulk cash. It is hereby understood that smuggling bulk cash intends to conceal the illicit origin and ownership of the proceeds of what may seem an illegal activity.

In view of the foregoing, approval of this bill is earnestly sought.


ERIC GO YAP


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AN ACT
PENALIZING BULK CASH SMUGGLING AND PROVIDING PENALTIES
THEREFORE AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Bulk Cash Smuggling Act of 2020”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to guarantee that the liberty of travel shall not, be impaired except upon lawful order of the court, or when necessary in the interest of national security or public safety.

Towards this end, the State shall ensure that the country shall not be used for any unlawful entry of bulk amount of cash which can be used for financing destabilization, terrorism, drug trade and other unlawful activity.

SEC. 3. *Declaration of Money.* – Any person shall declare, through proper reporting requirement, the amount of cash and / or monetary instruments worth equal to or more than FIVE HUNDRED THOUSAND PESOS (Php 500,000.00) or equivalent in foreign currency in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency from a place within the Philippines to a place outside the Philippines, or from a place outside Philippines to a place within the Philippines upon arrival. *Provided, That they will be subject to investigation and monitoring of an authorized body through their stay in the country.*

SEC. 4. *Bulk Cash Smuggling.* – Any person shall be guilty of bulk cash smuggling when he or she brings cash and / or monetary instruments worth equal to or more than TWO MILLION FIVE HUNDRED THOUSAND PESOS (Php 2,500,000.00) or equivalent in foreign currency in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency from a place within the Philippines to a place outside the

Philippines, or from a place outside Philippines to a place within the Philippines without securing a clearance from the Bangko Sentral ng Pilipinas (BSP) prior to travel.

SEC. 5. Exemptions. – A person who secured a clearance from the Bangko Sentral ng Pilipinas prior to travel shall not be guilty of bulk cash smuggling. *Provided,* That he or she must also undergo the proper reporting requirement upon his / her arrival.

SEC. 6. Seizure of Smuggled Bulk Cash. – Any person found guilty of the crime of bulk cash smuggling shall have the bulk cash forfeited by the authorized body.

SEC. 7. Other Prohibited Acts. – Any person who intently evades proper reporting requirement and knowingly conceals cash and / or monetary instruments worth equal to FIVE HUNDRED THOUSAND PESOS (Php 500,000.00) to TWO MILLION FIVE HUNDRED THOUSAND PESOS (Php 2,500,000.00) or equivalent in foreign currency in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency from a place within the Philippines to a place outside the Philippines, or from a place outside Philippines to a place within the Philippines shall also be penalized and sanctioned through this Act.

SEC. 8. Penalties. Any person found guilty of violating any provision of this Act shall be punished by imprisonment of not less than one (1) year but not exceeding five (5) years and a fine not less than ONE HUNDRED THOUSAND PESOS (Php 100,000.00) but not exceeding FIVE HUNDRED THOUSAND PESOS (Php 500,000.00).

Smuggled bulk cash shall be forfeited immediately by the Bureau of Customs during the inspection.

SEC. 9. Reward to Persons Instrumental in the Discovery and Seizure of Smuggled Cash. – A cash reward equivalent to ONE PERCENT (1%) of the total amount of the smuggled cash or TWO HUNDRED FIFTY THOUSAND PESOS (Php 250,000.00), whichever is lower, shall be given to the officers, employees, and informers who are instrumental in the forfeiture of bulk cash in accordance with the rules and regulations of this Act.

SEC. 10. Offenses of Officials and Employees. – Officials or employees of the government charged with the enforcement of the provisions of this Act who conspire or collude with others to violate any provision of this Act shall be punished with a fine of not less than FIFTY THOUSAND PESOS (Php 50,000.00) but not exceeding TWO HUNDRED THOUSAND PESOS (Php 200,000.00) and imprisonment of not less than six (6) months but not exceeding one (1) year.

SEC. 11. Implementing Rules and Regulations. – Within six (6) months from the effectivity of this Act, Department of Finance, AMLC, Bureau of Customs, Bureau of Immigration and other concerned government agencies shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 12. *Separability Clause.* - All laws, decrees, executive orders and proclamations, rules and regulations or parts thereof that are inconsistent with this Act are hereby repealed or modified accordingly

SEC. 13. *Repealing Clause.* - All other laws, decrees, executive orders and issuances, resolutions, ordinances or circulars inconsistent with the provisions of this Act are hereby repealed or modified accordingly or declared null and void and inoperative.

SEC. 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette at least two (2) national newspaper of general circulation.

Approved,