

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 3289

INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

**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 PURPOSES**

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 2018, approximately 2.3 million Overseas Filipino Workers (OFWs) were deployed abroad. From April to September 2018 alone, the total remittance sent by OFWs was estimated at P235.9 Billion. We cannot thus take for granted the crucial role played by our OFWs in helping sustain the continuous development of our economy through the foreign currencies remitted to their families back home.

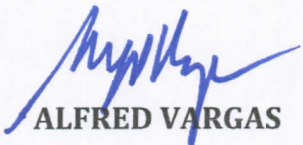
On its part, the State must make certain that our prevailing legislation would help augment not only the lives of our OFWs but also of their families who are left behind.

Relatives and loved-ones of OFWs in the Philippines receive 400,000 *balikbayan* boxes every month on the average. For OFWs, the *balikbayan* box is an 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 measure 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 recognition of the significant contribution of our OFWs to our national economy, this legislation is but a small measure of assistance in view of the tireless efforts of our OFWs, who work selflessly abroad and endure long separation and loneliness from their loved ones.

Thus, the immediate passage of this bill is earnestly sought.



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

SECTION 1. Section 2, sub-section (b) of Republic Act No. 6768 (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

SEC. 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;

(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.”

SEC. 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 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-INSTRUSIVE 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 SWORN STATEMENT ALLEGING THAT THE *BALIKBAYAN* BOX CONTAINS BANNED, PROHIBITED, OR REGULATED IMPORT COMMODITIES AS LISTED UNDER THE TCCP OR OTHER RELATED LAWS AND ISSUANCES."

SEC. 4. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the other provision not affected by such declaration shall remain in full force and effect.

SEC. 5. *Repealing Clause.* – All laws, executive and administrative Order, rules and regulations inconsistent with the foregoing provisions are hereby repealed or modified accordingly.

SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,