

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

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SENATE  
P. S. R. No. 1534

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION  
DIRECTING THE PROPER SENATE COMMITTEE  
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,  
ON THE REPORT THAT THE BUREAU OF CUSTOMS PLANS  
TO INTRUSIVELY INSPECT AND FURTHER TAX BALIKBAYAN BOXES

1 WHEREAS, the Constitution provides, in Article 2, Sections 5 and 9:

2 Section 5. The maintenance of peace and order, the protection of life,  
3 liberty, and property, and the promotion of the general welfare are essential for  
4 the enjoyment by all the people of the blessings of democracy;

5 Section 9. The State shall promote a just and dynamic social order that  
6 will ensure the prosperity and independence of the nation and free the people  
7 from poverty through policies that provide adequate social services, promote full  
8 employment, a rising standard of living, and an improved quality of life for all;

9 WHEREAS, various news organizations in August reported that the Bureau of Customs  
10 (BOC) plans to intrusively inspect and further tax shipments overseas Filipino workers (OFWs)  
11 send to the Philippines through duty- and tax-free balikbayan boxes;

12 WHEREAS, quoting Customs Commissioner Alberto Lina, the media said that the new  
13 rules on balikbayan boxes will be implemented amid fears that shipping privileges are being used  
14 to smuggle goods into the country;

15 WHEREAS, the Customs chief claimed that existing laws on balikbayan boxes are  
16 obsolete and widely misconstrued, adding that based on BOC spot checks, OFWs send items that  
17 may be used for commercial purposes, contrary to the law;

18 WHEREAS, Lina also alleged that balikbayan boxes often contain items valued higher  
19 than the \$500 limit, and that OFWs are sending more than the maximum of one consignment per  
20 sender per month;

1           WHEREAS, on 23 August 2015, the Customs chief claimed that the contemplated rules  
2 will not include higher taxes for balikbayan taxes, and merely seek to improve the enforcement  
3 of existing laws;

4           WHEREAS, Lina however reportedly admitted that there have been accusations that  
5 Customs employees tamper with and steal from balikbayan boxes, and urged senders or  
6 recipients of such boxes to lodge formal complaints;

7           WHEREAS, a signature campaign posted on online petition platform Change.org on 21  
8 August 2015 protested the BOC plan, claiming that the contemplated rules are open to abuse by  
9 employees of the Bureau of Customs, perceived as one of the most corrupt agencies;

10           WHEREAS, some 78,000 Filipino netizens, many of them OFWs and members of their  
11 families, have signed the petition as of the filing of this resolution;

12           WHEREAS, OFWs, freight forwarders, and other stakeholders have reportedly  
13 complained that the Customs failed to consult them on planned changes in balikbayan box  
14 policies;

15           WHEREAS, the government must strive to achieve the delicate balance between, on the  
16 one hand, fulfilling its mandate to curb smuggling, and, on the other, protecting balikbayan  
17 boxes, often channels of intimate communication among families;

18           WHEREAS, in the performance of its mandate to scrutinize all shipments into the  
19 country, the Bureau of Customs must constantly improve its facilities, to include, among others,  
20 non-intrusive inspection equipment;


21           WHEREAS, in the interest of transparency, and in order to ensure citizen participation in  
22 public policy, all government agencies must consult with stakeholders that will be affected by  
23 contemplated laws, rules, or issuances;

1           WHEREAS, Congress must strengthen existing legislation governing the Bureau of  
2 Customs in order for the agency to better perform its mandate of collecting duties, fighting  
3 smuggling, and facilitating shipments, including balikbayan boxes;

4           WHEREAS, it is also incumbent upon Congress, as it reviews the proposed General  
5 Appropriations Act of 2016, to demand from the Bureau of Customs results of programs aimed  
6 at curbing graft and corruption within the agency;

7           WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct  
8 the proper Senate committee to conduct an inquiry, in aid of legislation, on the report that the  
9 Bureau of Customs plans to intrusively inspect and further tax balikbayan boxes.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO  
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