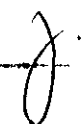


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



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SENATE
P.S. Resolution No. 1536

RECEIVED BY: 

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON BUREAU OF CUSTOMS POLICIES AND PROCESSES CONCERNING THE INSPECTION AND CLEARANCE OF BALIKBAYAN BOXES SHIPPED BY OVERSEAS FILIPINO WORKERS.

WHEREAS, the right to privacy is enshrined in several provisions of the 1987 Philippine Constitution. Under Section 1, Article III, it states that no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. Further, another provision of the Constitution recognizes the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose;

WHEREAS, the Commissioner of Customs is primarily tasked to perform these functions, among others: assess and collect lawful revenues from imported articles and all other dues, fees, charges, fines and penalties accruing under the Tariff and Customs Laws; prevent and suppress smuggling and frauds upon the Customs; enforce Tariff and Customs Laws and all other laws, rules and regulations relating to tariff and customs administration;

WHEREAS, the smuggling rate rose steadily to 35% in 2013 -- equivalent to P231.1 billion in foregone government revenue -- from 6% or P18.4 billion in 2005, according to the United Nations Commodity Trade Statistics. This caused the government, particularly the Bureau of Customs, to impose stricter measures to crackdown on small time and big time smugglers;

WHEREAS, the Philippines, as a developing country, has been trying to keep pace with other countries in terms of better trade facilitation. Various efforts to modernize the country's system include purchasing of x-ray machines and full automation. Customs policies and processes should be firmly in place, consistent, reliable and effective alongside these reforms;

WHEREAS, the Bureau of Customs recently announced that it would be enforcing stricter measures in the inspection and clearance of tax-free balikbayan boxes because of instances where balikbayan boxes were used to smuggle commercial items into the country;

WHEREAS, Customs Commissioner Alberto Lina, in a press statement, stated that the Bureau is only implementing the law by enforcing tight inspection of balikbayan boxes. At the same time, the Commissioner also stated that some of the existing rules are already obsolete and that related legislation needs to be updated.

WHEREAS, there have been reports from Overseas Filipino Workers of mishandling

of balikbayan boxes during the inspection process of the Bureau of Customs. According to these reports, there were cases of opened and dilapidated boxes, stolen items, and damaged goods.


WHEREAS, the Overseas Filipino Workers (OFWs) are recognized as modern day heroes as they continue to provide strong remittance inflows and greatly contribute to building a stronger and more resilient Philippine economy by providing income to their recipient families, bolstering Philippine foreign reserves, and even investing in local businesses for long-term impact. The OFWs endure long periods away from home as they strive to earn a decent living and provide better opportunities for their families. One of the ways they remain connected to and provide for the loved ones they have left behind is by sending balikbayan boxes containing gifts and personal effects collected through months of savings from their hard earned money;

WHEREAS, the Supreme Court held that the concept of limited government has always included the idea that governmental powers stop short of certain intrusions into the personal life of the citizen. This is indeed one of the basic distinctions between absolute and limited government. Protection of the dignity and integrity of the individual has become increasingly important. All the forces of a technological age industrialization, urbanization, and organization operate to narrow the area of privacy and facilitate intrusion into it. The capacity to maintain and support this enclave of private life marks the difference between a democratic and a totalitarian society¹;

WHEREAS, though the Bureau of Customs should enforce the provisions of the Tariff and Customs laws, it appears that the rights of the OFWs are being violated in the process by which the Bureau is implementing or intends to implement customs clearance on legitimate packages such as the balikbayan boxes.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committees to conduct an inquiry, in aid of legislation, on Bureau of Customs policies and processes concerning the inspection and clearance of balikbayan boxes shipped by Overseas Filipino Workers.

Adopted,



¹ G.R. No. L-20387, 22 SCRA 424, January 31, 1968.