

**NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )**

23 MAY 16 P5 :20

**SENATE  
S.B. No. 2205**

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INTRODUCED BY **SENATOR RISA HONTIVEROS**

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**AN ACT  
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 10845,  
OTHERWISE KNOWN AS THE ANTI-AGRICULTURAL SMUGGLING ACT OF 2016,  
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Agricultural smuggling is costing the government billions of pesos a year in lost revenues. Smuggling of regulated agricultural commodities has also led to high prices for consumers, the violation of our competition laws, and most importantly, the further decline of our domestic agricultural sector.

Since the law's passage in 2016, even if there have been several reports of seizure of smuggled products, there has been no prosecution of individuals, groups, or corporations under the law. There also has been no prosecution of government officials for facilitating and abetting acts of agricultural smuggling that amount to large-scale economic sabotage. As a result, smuggling activities continue with impunity. In the sugar fiasco that is still unfolding, for example, documented accounts show that thousands of metric tons of sugar – a regulated commodity – were allowed into the country without a sugar order.

The intent of this bill is to amend R.A. No. 10845 in order to hold liable government officials that act as co-conspirators and accomplices of agricultural smugglers. It is time to hold to account government officials that allow smuggling to persist unfettered.

The immediate passage of this bill is earnestly sought.

  
**Risa Hontiveros**

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**AN ACT**  
**AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 10845, OTHERWISE**  
**KNOWN AS THE ANTI-AGRICULTURAL SMUGGLING ACT OF 2016, AND FOR**  
**OTHER PURPOSES**

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

1 **Section 1.** Section 3 of R.A. No. 10845 is hereby amended to read:  
2

3 SECTION 3. *Large-Scale Agricultural Smuggling as Economic Sabotage.* – The crime  
4 of large-scale agricultural smuggling as economic sabotage, involving sugar, corn,  
5 pork, poultry, garlic, onion, carrots, fish, and cruciferous vegetables, in its raw state,  
6 or which have undergone the simple processes of preparation or preservation for  
7 the market, with a minimum amount of one million pesos (P1,000,000.00), or rice,  
8 with a minimum amount of ten million pesos (P10,000,000.00), as valued by the  
9 Bureau of Customs (BOC), is committed through any of the following acts:  
10

11 XXX  
12

- 13 a. Allowing or approving in one's capacity as a public employee or officer the  
14 importation into the Philippines without the required import permit from the  
15 regulatory agencies, whether or not there is pecuniary interest or material benefit  
16 or advantage on the part of the public employee or officer;  
17 b. Approving or granting any license, export declaration, clearance or permit,  
18 knowing that the same is manifestly unlawful, inequitable or irregular, whether or  
19 not there is pecuniary interest or material benefit or advantage on the part of the  
20 public employee or officer.  
21

22 **Section 2. Separability Clause.** - Should any provision of this Act be declared  
23 unconstitutional, the remaining parts not affected thereby shall remain valid and  
24 operational.  
25

26 **Section 3. Repealing Clause.** - All laws, decrees, orders, circulars, issuances, rules and  
27 regulations and parts thereof which are inconsistent with this act are hereby repealed,  
28 amended or modified accordingly.

1 **Section 4. Effectivity.** - This act shall take effect fifteen (15) days after its publication in  
2 the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

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5 *Approved,*