

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
J.P.W. *Third Regular Session*)

9 AUG 18 P 1 09

S E N A T E

COMMITTEE REPORT NO. 552

Submitted *jointly* by the Committees on Civil Service and Government Reorganization; Trade and Commerce; and Ways and Means on AUG 18 2009.

Re: S.B. No. 3396

Recommending its approval in substitution of Senate Bill Nos. 253, 1409, 2462, and taking into consideration House Bill No. 3274.

Sponsor: Senator Panfilo M. Lacson

MR. PRESIDENT:

The Committee on Civil Service and Government Reorganization *jointly* with the Committees on Trade and Commerce and Ways and Means, to which were referred S. B. No. 253 introduced by Senator Mar Roxas, *entitled*:

AN ACT

AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE "CUSTOMS BROKER ACT OF 2004", AND FOR OTHER PURPOSES

S. B. No. 1409, introduced by Senator Richard J. Gordon, *entitled*:

AN ACT

AMENDING SECTION 6 OF REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE CUSTOMS BROKERS ACT OF 2004

S. B. No. 2462, introduced by Senator Manny Villar, *entitled*:

AN ACT

AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE "CUSTOMS BROKERS ACT OF 2004" AND FOR OTHER PURPOSES

and taking into consideration House Bill No. 3274, by Representatives Zalcita, Cua (J.), Puentevella, Gonzalez, Alvarez (A.), Almario, Solis, Dumpit, Piamonte, Pancrudo, Coquilla, Beltran, Sy-Limkaichong, Mangudadatu, Salvacion, Ong, Nicolas, Diasnes, Emano, Del Mar, and Gonzales (N.), *per* Committee Report No. 144 *entitled*:

AN ACT
AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE
"CUSTOMS BROKERS ACT OF 2004", AND FOR OTHER PURPOSES


have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3396 prepared by the Committees, *entitled:*

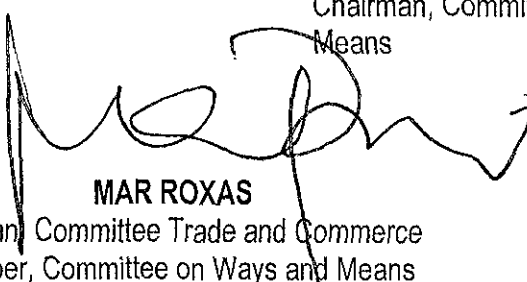
"AN ACT
AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE
"CUSTOMS BROKERS ACT OF 2004" AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill Nos. 253, 1409, 2462 and taking into consideration House Bill No. 3274, with Senators Roxas, Gordon, Villar and Lacson as authors thereof.


Respectfully submitted:


ANTONIO "SONNY" F. TRILLANES IV
Chairman, Committee on Civil Service
and Government Reorganization


PANFILO M. LACSON
Acting Chairman, Committee on
Civil Service and Government
Reorganization
Chairman, Committee on Ways and
Means

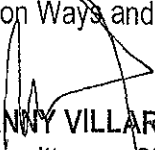

MAR ROXAS
Chairman, Committee Trade and Commerce
Member, Committee on Ways and Means

MEMBERS :


RODOLFO G. BIAZON
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Committee on Ways and Means

FRANCIS "CHIZ" G. ESCUDERO
Committee on Civil Service and
Government Reorganization
Committee on Trade and Commerce
Committee on Ways and Means

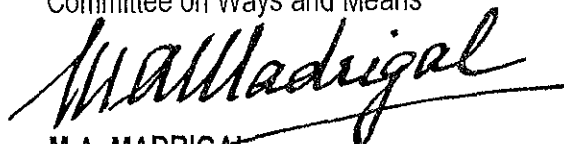
RICHARD J. GORDON
Committee on Civil Service and
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Committee on Trade and Commerce
Committee on Ways and Means


MANNY VILLAR
Committee on Civil Service and
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Committee on Ways and Means



LOREN B. LEGARDA

Committee on Ways and Means



M.A. MADRIGAL

Committee on Ways and Means



MANUEL "LITO" M. LAPID

Committee on Ways and Means

ALAN PETER "COMPAÑERO" S. CAYETANO

Committee on Ways and Means

Committee on Trade and Commerce

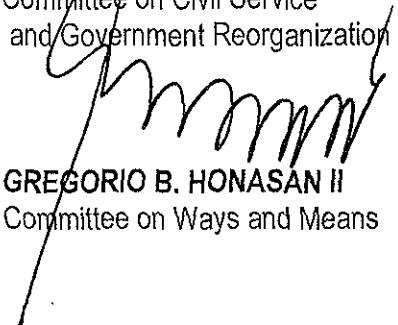
Committee on Civil Service

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GREGORIO B. HONASAN II

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Committee on Ways and Means

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JOKER P. ARROYO

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EDGARDO J. ANGARA

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RAMON "BONG" REVILLA, JR.

Committee on Trade and Commerce

EX-OFFICIO MEMBERS:



JINGGOY EJERCITO ESTRADA

Senate President Pro-Tempore



JUAN MIGUEL F. ZUBIRI

Majority Floor Leader



AQUILINO Q. PIMENTEL, JR.

Minority Floor Leader

HON. JUAN PONCE ENRILE

Senate President

Senate of the Philippines

Pasay City

9 AUG 18 2008

SENATE

S.B. No. 3396

REC'D BY [Signature]

Prepared by the Committees on Civil Service and Government Reorganization; Trade and Commerce; and Ways and Means with Senators Roxas, Gordon, Villar and Lacson as authors thereof

AN ACT
AMENDING REPUBLIC ACT NO. 9280 OTHERWISE KNOWN AS THE "CUSTOMS
BROKERS ACT OF 2004", AND FOR OTHER PURPOSES

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

1 Section 1. Section 27 of Republic Act No. 9280 is hereby amended to read as follows:

2 "Sec. 27. *Acts Constituting the Practice of Customs Broker Profession.*

3 -Any single act or transaction embraced within the provision of Section 6 hereof
4 shall constitute an act of engaging in the practice of customs broker profession. Import
5 [and export] entry [declarations] shall be signed [only] by a customs broker AND THE
6 CONSIGNEE/OWNER/IMPORTER under oath based on the covering documents
7 submitted by the importers."

8 "PROVIDED, THAT EXPORT DECLARATION SHALL BE SIGNED BY THE
9 EXPORTER OR, AT HIS OPTION, DELEGATE THE SIGNING AND PROCESSING
10 OF THE DOCUMENT TO HIS DESIGNATED CUSTOMS BROKER OR
11 AUTHORIZED REPRESENTATIVE."

12 Sec. 2. Section 29 of Republic Act No. 9280 is hereby amended to read as follows:

13 "Sec. 29. *[Prohibition Against Corporate Practice] ADMISSION TO*
14 *PROFESSIONAL PRACTICE.* - The practice of customs broker is a professional service,
15 admission to which shall be determined upon the basis of individual and personal
16 qualifications. [No firm, company, or association may be registered or licensed as such for
17 the practice of customs broker profession.] "HOWEVER, NOTHING IN THIS ACT
18 SHALL PREVENT A CORPORATION FROM BEING REGISTERED FOR THE
19 PURPOSE OF ENGAGING IN THE BUSINESS OF CUSTOMS BROKERAGE AS
20 LONG AS THE CORPORATION SHALL ENGAGE OR HIRE THE SERVICES OF AT
21 LEAST ONE (1) CUSTOMS BROKER."

22 "FOR PURPOSES OF THIS ACT, THE PHRASE 'ENGAGING IN THE
23 BUSINESS OF CUSTOMS BROKERAGE' SHALL MEAN MAKING
24 REPRESENTATIONS IN BEHALF OF IMPORTER-CLIENTS IN THE BUREAU OF
25 CUSTOMS (BOC) AND OTHER GOVERNMENT AGENCIES: *PROVIDED, THAT*

1 SUCH CORPORATIONS ENGAGED IN THE BUSINESS OF CUSTOMS BROKERING
2 SHALL HAVE A MINIMUM PAID-UP CAPITAL OF ONE MILLION PESOS
3 (P1,000,000.00) BEFORE THEY ARE ACCREDITED BY THE BOC.”

4 *Sec. 3. Repealing Clause.* – All laws, presidential decrees, executive orders,
5 memorandum orders, and other administrative orders, rules and regulations or parts
6 thereof contrary to or inconsistent with the provisions of this Act are hereby repealed,
7 modified or amended accordingly.

8 *Sec. 4. Effectivity Clause.* – This act shall take effect fifteen (15) days after its
9 publication in the *Official Gazette* or in any newspaper of general circulation in the
10 Philippines.

Approved,