

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



Senate
Office of the Secretary

'15 SEP -2 P2:18

SENATE

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S. B. No. 2927

Introduced by Senator Aquilino "Koko" Pimentel III

**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 2014, approximately 1.832 million Overseas Filipino Workers (OFWs) were deployed abroad¹. During the same period, personal remittances from OFWs accounted for 8.5 percent of country's gross domestic product (GDP) in 2014². 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 were left behind.

¹ Philippine Overseas Employment Administration (POEA) 2014 Overseas Employment Statistics.

² The Manila Times. Retrieved from: <http://www.manilatimes.net/ofw-remittances-hit-new-high/163522/>. August 24, 2015.

Relatives and loved-ones of OFWs in the Philippines receive 400,000 *balikbayan* boxes every month on the average³. 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 legislation 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 thus earnestly sought.


AQUILINO “KOKO” PIMENTEL III

³ GMA News Network News. Retrieved From:
<http://www.gmanetwork.com/news/story/533558/news/pinoyabroad/boc-balikbayan-boxes-being-used-for-technical-smuggling>. Retrieved on: August 24, 2015.



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1 **AN ACT**
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4 **AMENDED BY REPUBLIC ACT NO. 9174, AND FOR OTHER**
5 **PURPOSES**

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

6 **Section 1.** Section 2, sub-section (b) of Republic Act No. 6768
7 (R.A. 6768), As Amended, is hereby amended to read as follows:

8 **"(b) THE TERM "FAMILY" SHALL INCLUDE THE**
9 **FOLLOWING:**

10 (b-1) The spouse and children of the *balikbayan* who are not
11 *balikbayans* in their own right traveling with the latter to the
12 Philippines;

13 (b-2) THE PARENTS, GRANDPARENTS, BROTHERS OR
14 SISTERS (WHETHER BY WHOLE OR HALF-BLOOD) OF
15 THE *BALIKBAYAN*; AND

16 (b-3) THE RELATIVES OF THE *BALIKBAYAN* BY
17 CONSANGUINITY IN THE COLLATERAL LINE WITHIN
18 THE FOURTH (4TH) DEGREE OF RELATIONSHIP."

1 **Section 2.** A new sub-section under Section 2 is hereby inserted to
2 read as follows:

3 **“SECTION 2. *Defintion of Terms.*** – For purposes of this Act:

4 (a) xxx;

5 (b) xxx;

6 (c) xxx; AND

7 (d) THE TERM “*BALIKBAYAN BOX*” SHALL MEAN THE
8 RECEPTACLE OF OF PERSONAL AND/OR HOUSEHOLD
9 EFFECTS, INCLUDING LIVELIHOOD TOOLS, IN NON-
10 COMMERCIAL QUANTITY WHICH ARE SENT BY
11 BALIKBAYANS TO THEIR FAMILY AS DEFINED IN
12 THIS ACT.”

13 **Section 3.** A new sub-section under Section 3 is hereby inserted to
14 read as follows:

15 **“SECTION 3. *Benefits and Privileges of the Balikbayan.*** - The
16 balikbayan and his family shall be entitled to the following:

17 XXX

18 (H) ONE (1) *BALIKBAYAN* BOX MEASURING 24 INCHES BY 24
19 INCHES BY 30 INCHES (24X24X30), SENT EACH MONTH BY
20 A *BALIKBAYAN* TO HIS OR HER FAMILY SHALL BE
21 EXEMPTED FROM ALL DUTIES AND TAXES IMPOSED
22 UNDER THE NATIONAL INTERNAL REVENUE CODE OF
23 1997 (NIRC), AS AMENDED, AND THE TARIFF AND
24 CUSTOMS CODE OF THE PHILIPPINES (TCCP), AS
25 AMENDED.

26 UPON ENTRY AT EACH GOVERNMENT PORT,
27 *BALIKBAYAN* BOXES SHALL ONLY BE SUBJECTED TO
28 NON-INSTRUSIVE METHODS OF INSPECTION BY THE
29 BUREAU OF CUSTOMS (BOC) PERSONNEL, THROUGH THE
30 USE OF TRAINED CANINE UNITS, X-RAY DETECTION AND
31 INSPECTION SYSTEMS OR OTHER SIMILAR
32 TECHNOLOGIES AND SHALL NOT BE OPENED BY BOC
33 PERSONNEL.

1 *BALIKBAYAN* BOXES CAN ONLY BE OPENED BY BOC
2 PERSONNEL IN THE FOLLOWING CIRCUMSTANCES:

3 (1) WHEN THE CONSIGNOR'S EXPORT DECLARATION
4 AND PACKING LIST ARE NOT ATTACHED TO THE
5 *BALIKBAYAN* BOX; OR

6 (2) WHEN THE BOC IS IN RECEIPT OF A WRITTEN
7 DEROGATORY ALERT/INFORMATION FROM LAW
8 ENFORCEMENT AND OTHER GOVERNMENT
9 AGENCIES, OR PRIVATE SOURCES, PROVIDED THAT
10 IN THE LATTER CASE, THE INFORMATION IS
11 EMBODIED IN A SWORN STATEMENT ALLEGING
12 THAT THE *BALIKBAYAN* BOX CONTAIN BANNED,
13 PROHIBITED, OR REGULATED IMPORT COMMODITIES
14 AS LISTED UNDER THE TCCP OR RELATED LAWS
15 AND ISSUANCES.”

16 **Section 4. *Separability Clause.*** Should any provision of this Act or
17 part hereof be declared unconstitutional, the other provisions or parts not
18 affected thereby shall remain valid and effective.

19 **Section 5. *Repealing Clause.*** All laws, decrees, orders, and
20 issuances, or portions thereof, which are inconsistent with the provisions of
21 this Act, are hereby repealed, amended or modified accordingly.

22 **Section 6. *Effectivity Clause.*** This Act shall take effect after fifteen
23 (15) days from its publication in two (2) newspapers of general circulation.

Approved,