

15 SEP 28 P1:

**S E N A T E**

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**COMMITTEE REPORT NO. 264**

Submitted by the Committee on Ways and Means on SEP 28 2015

Re: S.B. No. 2968

Recommending its approval in substitution of S.B. Nos. 168, 442, 456, 741, 882, 2348, 2373 and 2913, taking into consideration P.S. Res. Nos. 444, 1339, 1533, 1534, 1536, 1537, 1538, 1539, 1549 and 1581

Sponsor: Senator Angara

MR. PRESIDENT:

The Committee on Ways and Means to which was referred Senate Bill No. 168, introduced by Senator Osmeña III, entitled:

"AN ACT  
TO PRESCRIBE THE 'CUSTOMS AND TARIFF MODERNIZATION ACT OF 2013' AND FOR OTHER PURPOSES"

Senate Bill No. 442, introduced by Senator Escudero, entitled:

"AN ACT  
AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464, OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, AS AMENDED"

Senate Bill No. 456, introduced by Senator Recto, entitled:

"AN ACT  
INSTITUTING REFORMS IN THE BUREAU OF CUSTOMS, INCREASING PENALTIES FOR SMUGGLING AND FOR OTHER PURPOSES, THEREBY AMENDING PRESIDENTIAL DECREE NO. 1464, OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, AS AMENDED"

Senate Bill No. 741, introduced by Senator Ejercito Estrada, entitled:

"AN ACT  
AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464, OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSE"

Senate Bill No. 882, introduced by Senator Ejercito Estrada, entitled:

**"AN ACT  
AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464,  
OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE  
PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES"**

Senate Bill No. 2348, introduced by Senator Poe, entitled:

**"AN ACT  
AMENDING PRESIDENTIAL DECREE NO. 1464, OTHERWISE KNOWN AS  
THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, TO DEFINE  
SMUGGLING AS AN ACT THAT CONSTITUTES ECONOMIC SABOTAGE, TO  
PROVIDE THE APPROPRIATE PUNISHMENT AND PENALTIES, AND FOR  
OTHER PURPOSES"**

Senate Bill No. 2373, introduced by Senator Bam Aquino IV, entitled:

**"AN ACT  
AMENDING SECTION 709 OF PRESIDENTIAL DECREE 1464, OTHERWISE  
KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, AS  
AMENDED"**

and Senate Bill No. 2913, introduced by Senator Recto, entitled:

**"AN ACT  
EXEMPTING FROM DUTIES AND TAXES 'BALIKBAYAN BOXES'  
CONTAINING PERSONAL AND HOUSEHOLD EFFECTS OF OVERSEAS  
FILIPINO WORKERS (OFW), OTHER FILIPINOS RESIDING ABROAD AND  
RESIDENTS OF THE PHILIPPINES RETURNING FROM ABROAD",**

taking into consideration P.S. Resolution No. 444, introduced by Senator Defensor Santiago,  
entitled:

**"RESOLUTION  
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE STUDY CONDUCTED BY THE  
FEDERATION OF PHILIPPINE INDUSTRIES WHICH FOUND THAT THE  
GOVERNMENT LOST MORE THAN P1.33 TRILLION IN REVENUE FROM  
2002 TO 2011 DUE TO TECHNICAL SMUGGLING THROUGH THE  
COUNTRY'S PORTS"**

P.S. Resolution No. 1339, introduced by Senator A.P. Cayetano, entitled:

**"RESOLUTION  
DIRECTING THE COMMITTEE ON WAYS AND MEANS TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE FAILURE OF THE BUREAU OF  
CUSTOMS TO ADDRESS REVENUE LEAKAGES AND THE POSSIBLE  
MEASURES THAT CAN BE IMPLEMENTED BY THE BUREAU OF CUSTOMS  
TO PLUG SUCH LEAKAGES AND IMPROVE COLLECTION EFFICIENCY,  
SUCH AS, BUT NOT LIMITED TO, THE IMPLEMENTATION OF THE PRE-  
SHIPMENT INSPECTION SCHEME, AND THE NAGGING PROBLEM OF  
PORT CONGESTION"**

P.S. Resolution No. 1533, introduced by Senator Nancy Binay, entitled:

"RESOLUTION  
DIRECTING THE PROPER SENATE COMMITTEES TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE BUREAU OF CUSTOMS' NEW  
POLICY OF OPENING BALIKBAYAN BOXES SENT BY OVERSEAS  
FILIPINOS TO THEIR FAMILIES"

P.S. Resolution No. 1534, introduced by Senator Defensor Santiago, entitled:

"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"

P.S. Resolution No. 1536, introduced by Senator Senator Bam Aquino IV, entitled:

"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"

P.S. Resolution No. 1537, introduced by Senator JV Ejercito, entitled:

"RESOLUTION  
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, TO INVESTIGATE THE COMPLAINTS  
OF OVERSEAS FILIPINO WORKERS (OFWS) ON THE STRINGENT  
INSPECTION OF BALIKBAYAN BOXES BY THE BUREAU OF CUSTOMS"

P.S. Resolution No. 1538, introduced by Senator A.P. Cayetano, entitled:

"RESOLUTION  
DIRECTING THE COMMITTEES ON LABOR, EMPLOYMENT AND HUMAN  
RESOURCES DEVELOPMENT; AND WAYS AND MEANS TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE UNDUE BURDEN SUFFERED  
BY OVERSEAS FILIPINO WORKER (OFWS) DUE TO THE FOLLOWING  
POLICIES: RANDOM INSPECTION OF BALIKBAYAN BOXES AND  
PACKAGES BY THE CUSTOMS BUREAU AND POST OFFICE; TIME  
CONSUMING PROCESS OF SECURING OVERSEAS EMPLOYMENT  
CERTIFICATES; AND THE SHUTDOWN OF REMITTANCE FIRMS IN  
DEVELOPED COUNTRIES, AMONG OTHERS, WITH A VIEW OF MAKING  
LIVES OF OFWS AND THEIR FAMILIES EASIER AND LESS BURDENSOME  
IN GENERAL, AND IN PARTICULAR WHAT GOVERNMENT IS DOING TO  
ASSIST, HELP AND BE A BIG BROTHER TO OFW'S"

P.S. Resolution No. 1539, introduced by Senator Poe, entitled:

"RESOLUTION  
URGING THE SENATE COMMITTEES ON WAYS AND MEANS; AND LABOR,  
EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT  
AN INQUIRY, IN AID OF LEGISLATION, ON THE ANNOUNCEMENT AND  
PLANNED STRICTER RANDOM INSPECTION OF BALIKBAYAN BOXES BY  
THE BUREAU OF CUSTOMS WITH THE INTENTION OF STRIKING A  
BALANCE BETWEEN THE GOVERNMENT'S ANTI-SMUGGLING CAMPAIGN  
AND THE PROTECTION OF PROPERTIES AND THE RIGHTS OF  
OVERSEAS FILIPINOS WORKERS"

P.S. Resolution No. 1549, introduced by Senator Ejercito Estrada, entitled:

"RESOLUTION  
DIRECTING THE SENATE COMMITTEE ON WAYS AND MEANS TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE GUIDELINES  
AND PROCEDURES OF THE BUREAU OF CUSTOMS (BOC) IN  
MONITORING AND SCREENING THE "BALIKBAYAN BOXES" ARRIVING IN  
THE COUNTRY, WITH THE END IN VIEW OF INSTITUTIONALIZING  
PRACTICAL POLICIES AND PROTOCOLS, ENSURING THAT THE  
RESOURCES OF THE BOC ARE MAXIMIZED TOWARDS THE FULFILLMENT  
OF ITS MANDATE OF CURBING SMUGGLING"

and P.S. Resolution No. 1581, introduced by Senator Defensor Santiago, entitled:

"RESOLUTION  
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE REPORT THAT THE BUREAU  
OF CUSTOMS TAXED A MARTIAL ARTS FIGHTER FOR A CHAMPIONSHIP  
BELT"

has considered the same and has the honor to report the bills and resolutions back to the Senate with the recommendation that the attached SB No. 2968, prepared by the Committee, entitled:

"AN ACT  
MODERNIZING THE CUSTOMS AND TARIFF ADMINISTRATION"

be approved in substitution of S.B. Nos. 168, 442, 456, 741, 882, 2348, 2373 and 2913 taking into consideration P.S. Res. Nos. 444, 1339, 1533, 1534, 1536, 1537, 1538, 1539, 1549 and 1581 with Senators Osmeña III, Escudero, Recto, Ejercito Estrada, Poe, Aquino IV, Defensor Santiago, A.P. Cayetano, Binay, JV Ejercito, and Angara as authors thereof.

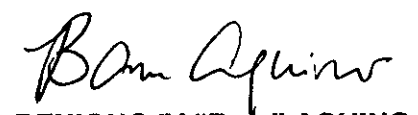
Respectfully submitted:

  
**SONNY ANGARA**  
*Chairman*

**MIRIAM DEFENSOR SANTIAGO**  
*Vice-Chairperson*

*Members:*

  
**LOREN LEGARDA**

  
**PAOLO BENIGNO IV "Bam" AQUINO**  
*will amend*



**ANTONIO "Sonny" F. TRILLANES IV**




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**SERGIO R. OSMEÑA III**

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**RALPH G. RECTO**  
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**ALAN PETER "Compañero" CAYETANO**  
*Majority Floor Leader*

**JUAN PONCE ENRILE**  
*Minority Leader*

**HON. FRANKLIN M. DRILON**  
*Senate President*  
*Pasay City*

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