



SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'16 SEP 21 P5:30

SENATE

RECORDED BY: 

S. B. No. 1168

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 2015, approximately 2.377 million Overseas Filipino Workers (OFWs) were deployed abroad¹. According to the *Bangko Sentral ng Pilipinas*, personal remittances by OFWs reached \$2.7 billion in March 2016, which was higher by 4.3% compared to the first quarter of last year.² 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 are left behind.

¹ Philippine Statistics Authority. 2015 Survey on Overseas Filipinos

² Retrieved from <http://www.rappler.com/business/economy-watch/133262-ofw-remittances-march-q1-2016>. Retrieved on September 19, 2016.

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 measure 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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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 by Republic Act No. 9174, is hereby further
8 amended to read as follows:

9 “(b) THE TERM “FAMILY” SHALL INCLUDE THE
10 FOLLOWING:

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

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

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

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

3 “**SECTION 2.** *Definition 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 PERSONAL AND/OR**
9 **HOUSEHOLD EFFECTS, INCLUDING LIVELIHOOD**
10 **TOOLS, IN NON-COMMERCIAL QUANTITY WHICH**
11 **ARE SENT BY BALIKBAYANS TO THEIR FAMILY**
12 **AS DEFINED IN 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**
19 **BY 24 INCHES BY 30 INCHES (24” X 24” X 30”), SENT**
20 **EACH MONTH BY A BALIKBAYAN TO HIS OR HER**
21 **FAMILY SHALL BE EXEMPTED FROM ALL DUTIES**
22 **AND TAXES IMPOSED UNDER THE NATIONAL**
23 **INTERNAL REVENUE CODE OF 1997 (NIRC), AS**
24 **AMENDED, AND THE TARIFF AND CUSTOMS CODE OF**
25 **THE PHILIPPINES (TCCP), AS AMENDED.**

26 **UPON ENTRY AT EACH GOVERNMENT PORT,**
27 **BALIKBAYAN BOXES SHALL ONLY BE SUBJECTED TO**
28 **NON-INTRUSIVE METHODS OF INSPECTION BY THE**
29 **BUREAU OF CUSTOMS (BOC) PERSONNEL, THROUGH**
30 **THE USE OF TRAINED CANINE UNITS, X-RAY**
31 **DETECTION AND INSPECTION SYSTEMS, OR OTHER**

1 SIMILAR TECHNOLOGIES AND SHALL NOT BE
2 OPENED BY BOC PERSONNEL.

3 **BALIKBAYAN BOXES CAN ONLY BE OPENED BY BOC**
4 **PERSONNEL IN THE FOLLOWING CIRCUMSTANCES:**

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

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

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

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

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

Approved,