



SENATE

S. No. 1503

20 MAY -4 P4:55

Introduced by Senator Manuel "Lito" M. Lopez

**AN ACT
INSTITUTIONALIZING A MECHANISM FOR THE MANDATORY AND
EXPEDITED DISPOSITION OF ABANDONED IMPORTED GOODS FOR THE
BENEFIT OF THE POOR AND UNDERPRIVILEGED IN TIMES OF
CALAMITIES AND OTHER NATIONAL EMERGENCIES**

EXPLANATORY NOTE

The current COVID-19 pandemic has greatly disrupted the fabric of our society. Social distancing, closure of schools and business establishments, increase in unemployment, unprecedented decline of the economy and the strain to our health systems – these are just some of the consequences that the pandemic and the accompanying enhanced community quarantine (ECQ) has brought upon us. But the sector who bore the brunt of the economic stand-still caused by COVID-19 is the poor and underprivileged. These are our jeepney, tricycle and other PUV drivers, construction workers, no work/no pay laborers, the homeless citizens and the street dwellers, the informal economy workers, among others. These are the sectors that the Legislature had in mind when we expeditiously passed Republic Act No. 11469 or the "Bayanihan to Heal as One Act." One of the interventions contained in the said law is the grant of an emergency subsidy ranging from Php 5,000 to 8,000 per month for two (2) months to around 18 Million low-income households. However, it should be noted that Bayanihan to Heal as One Act is an emergency measure. It is merely a stop-gap response. It has a sunset provision.

COVID-19 is indeed a wake-up call for the government on the value of planning ahead and putting in place institutional mechanisms and strategies geared towards the effective response to and management of these kinds of national

emergencies. Therefore, the challenge and the objective is to pass legislation and enact policies that anticipate these eventualities, so that when another calamity or national emergency comes, government action and response will run smoothly and be immediate, adequate and coordinated.

As a contribution to this objective, this proposed measure is being filed in response for the need to timely and sufficiently provide relief goods and other basic necessities to the poorest of the poor in times of calamities and other national emergencies. A potential source of these goods are the abandoned imported items and products that are left to stagnate in our country's ports and warehouses. This bill aims to institutionalize a mechanism for the mandatory and expedited disposition of abandoned imported goods for the benefit of the poor and underprivileged. This will amend Section 1141 of Republic Act No. 10863, otherwise known as "Customs Modernization and Tariff Act (CMTA)" by providing that abandoned goods suitable for shelter or consisting of foodstuffs, clothing materials or medicines and other basic necessities shall be mandatorily donated to the Department of Social Welfare and Development (DSWD). The amendment further imposes the condition that in instances of calamities and other national emergencies, the donation and transfer to the DSWD shall be done in an expedited manner within a period of seven (7) days from the issuance of the Decree of Abandonment by the proper Bureau of Customs (BOC) official.

Under the current state of the law (CMTA), the donation of the relevant goods is not made mandatory in favor of the DSWD. The law likewise does not provide for a specified period within which donation and transfer to the DSWD shall be made. These are the gaps in the law that this bill seeks to address and resolve.

Thus, instead of being left to rot, expire or otherwise be rendered unfit for consumption, this bill will cut those bureaucratic bottlenecks and facilitate the quick disposition of abandoned essential goods from the BOC to the DSWD and ultimately to the poor families who are in dire need of these goods.

In view of this, early passage of this bill is sought.



MANUEL "LITO" M. LAPID
Senator



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AND OTHER NATIONAL EMERGENCIES

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

1 SECTION 1. Section 1141 of Republic Act No. 10863, otherwise known as
2 "Customs Modernization and Tariff Act (CMTA)" is hereby amended to read as
3 follows:
4

5 "Sec. 1141. Mode of Disposition. – The goods subject to disposition
6 may be donated to another government agency or declared for official
7 use of the Bureau, after approval of the Secretary of Finance, or sold
8 at a public auction within thirty (30) days after a ten (10)-day notice
9 posted at a public place at the port where the goods are located and
10 published electronically or in a newspaper of general circulation.
11

12 For purposes of donating the goods as above described, goods suitable
13 for shelter or consisting of foodstuffs, clothing materials or medicines
14 [may] **AND OTHER BASIC NECESSITIES SHALL** be donated to the

1 DSWD; **PROVIDED FURTHER, THAT IN TIMES OF CALAMITIES**
2 **OR OTHER NATIONAL EMERGENCIES, THE DONATION AND**
3 **TRANSFER TO THE DSWD SHALL BE ACCOMPLISHED WITHIN**
4 **SEVEN (7) DAYS FROM THE ISSUANCE OF A DECREE OF**
5 **ABANDONMENT BY THE PROPER BUREAU OF CUSTOMS**
6 **OFFICIAL."**

7
8 *Sec. 2. Implementing Rules and Regulations.* – Within sixty (60) days from
9 the effectivity of this Act, the Department of Finance, Bureau of Customs and the
10 Department of Social Welfare and Development shall issue the necessary rules and
11 regulations to implement the provisions of this Act.

12
13 *Sec. 3. Repealing Clause.* —All laws, presidential decrees, executive orders,
14 proclamations, rules and regulations, or any part thereof, which are inconsistent with
15 the provisions of this Act are hereby repealed or modified accordingly.

16
17 *Sec. 4. Separability Clause.* – If any provision or part of this Act, or the
18 application thereof to any person or circumstance, is held unconstitutional or invalid,
19 the remainder of this Act shall not be affected thereby.

20
21 *Sec. 5. Effectivity Clause.* — This Act shall take effect fifteen (15) days from its
22 publication in the Official Gazette or in at least two (2) newspapers of general
23 circulation.

24
25 *Approved,*