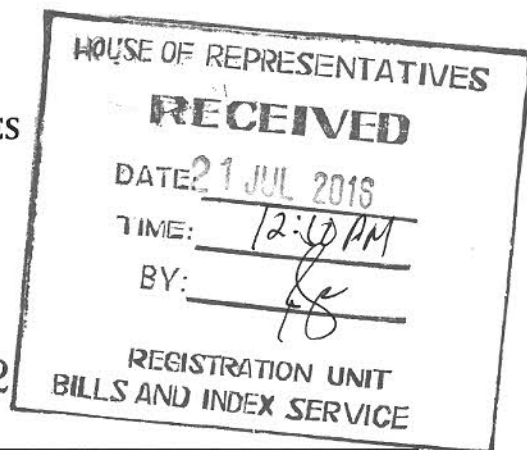


REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1832



Introduced by Congressman Alfredo D. Vargas III

EXPLANATORY NOTE

Article XIII Section 3 of the 1987 Philippine Constitution provides that the State shall afford protection for both local and overseas labor. It also recognizes the importance of their participation in policy-making processes affecting their rights and benefits as may be provided by law.

Overseas Filipino Workers (OFWs) contribute immensely, not only to the country's economic development but also in nation-building. According to the Philippine Overseas Employment Administration, 1.832 million OFWs were deployed abroad in 2014¹. In the same year, the total cash remittances sent by OFWs were estimated at \$24.35 million², accounting for 8.5 percent of the country's gross domestic product.

Having to endure months or years away from home and their loved ones, OFWs show their affection and care for their families through balikbayan boxes. Each balikbayan box is a symbol of the OFWs hard work and sacrifice in order to give their families back home a better life and future.

This bill intends to amend the Balikbayan Program to better protect the rights of the OFWs and their families. The proposed act prohibits the opening of balikbayan boxes by Bureau of Customs (BoC) personnel. It instructs the BoC to subject these boxes to non-intrusive methods of inspection. This bill also seeks to exempt from taxes and duties one balikbayan box per month per OFW.

In view of the foregoing, passage of this bill is earnestly sought.


ALFREDO D. VARGAS III

¹ 2014 Philippine Overseas Employment Administration Statistics. Available at: <http://www.poea.gov.ph/stats/2014%20POEA%20Stats.pdf> [30 September 2015]

² 2014 Bangko Sentral ng Pilipinas Economic and Financial Statistics. Available at: http://www.bsp.gov.ph/statistics/spei_pub/Table%2014.pdf [30 September 2015]

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HOUSE BILL NO. 1832

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AN ACT

EXPANDING THE BENEFITS AND PRIVILEGES OF BALIKBAYANS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6768, AS AMENDED BY REPUBLIC ACT NO. 9174, AND FOR OTHER PURPOSES

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

SECTION 1. Section 2, sub-section (b) of Republic Act No. 6768, as amended, is hereby amended to read as follows:

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

- (b-1) The spouse and children of the *balikbayan* who are not *balikbayans* in their own right travelling with the latter to the Philippines;
- (b-2) THE PARENTS, GRANDPARENTS, BROTHERS OR SISTERS (WHETHER BY WHOLE OR HALF-BLOOD) OF THE *BALIKBAYAN*; AND
- (B-3) THE RELATIVES OF THE *BALIKBAYAN* BY CONSANGUINITY IN THE COLLATERAL LINE WITHIN THE FOURTH (4TH) DEGREE OF RELATIONSHIP.”

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

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

(a) x x x;

(b) x x x;

(c) x x x; AND

(d) THE TERM "BALIKBAYAN BOX" SHALL MEAN THE RECEPTACLE OF PERSONAL AND/OR HOUSEHOLD EFFECTS, INCLUDING LIVELIHOOD TOOLS, IN NON-COMMERCIAL QUANTITY WHICH ARE SENT BY BALIKBAYANS TO THEIR FAMILY AS DEFINED IN THIS ACT."

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

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

X X X

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

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

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

- (1) WHEN THE CONSIGNOR'S EXPORT DECLARATION AND PACKING LIST ARE NOT ATTACHED TO THE *BALIKBAYAN BOX*; OR
- (2) WHEN THE BOC IS IN RECEIPT OF A WRITTEN DEROGATORY ALERT/INFORMATION FROM LAW ENFORCEMENT AND OTHER GOVERNMENT AGENCIES, OR PRIVATE SOURCES, PROVIDED THAT IN THE LATTER CASE, THE INFORMATION IS EMBODIED IN A SWORN STATEMENT ALLEGING THAT THE *BALIKBAYAN BOX* CONTAINS BANNED, PROHIBITED, OR REGULATED IMPORT COMMODITIES AS LISTED UNDER THE TCCP OR RELATED LAWS AND ISSUANCES."

Sec. 4. **Separability Clause.** - Should any provision of this Act or part thereof be declared unconstitutional, the other provisions or parts not affected shall thereby remain valid and effective.

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

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

Approved,