

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2827



Introduced by the Hon. Robert Ace S. Barbers

EXPLANATORY NOTE

Smuggling needs to be declared a heinous crime as it amounts to economic sabotage. Based on calculations of the Federation of Philippine Industries and the Fair Trade Alliance (FTA), the government is **losing P 174. 2 billion per year** on smuggling.

The International Monetary Fund (IMF) also found that there has been huge disparity between imports data of the government and its trading partners. The disparity in the early 1990's ranged from 13.5 to 19 percent. In 2000, the discrepancy rose to 54.7 per cent. Example, government data say our total imports in 2003 reached \$ 31. 80 B and yet, our trading partners reported exports totaling \$ 45.378 B, meaning \$ 13.578 B worth of goods sold to the Philippines were not reflected in government data. Most likely, these goods were smuggled.

Bureau of Customs (BoC) and National Statistics Office (NSO) data also do not match. From January to September 2003, BoC records indicate that we imported US \$ 19.3 billion worth of goods, while NSO data give a different figure, US \$ 28 billion of imports for the same period.

The **P 174. 2 billion per year** which the government loses thru smuggling could have been used to alleviate the poverty of our countrymen. It could help build schoolbuildings , bridges, farm-to-market roads and other infrastructures. It could help improve our people's education and health, among others. It could help pay our national debt.

The loss of **P 174. 2 billion per year** thus amounts to economic sabotage.

Hence, this proposed measure, which mandates that all smugglers be meted the death penalty, pay twice the value of the apprehended smuggled goods or 20 million pesos, whichever is higher. Assets and properties of the guilty parties shall also be garnished in favor of the government.

The accomplices shall be meted with *reclusion perpetua*; the accessories, with *reclusion temporal*. Accomplices and accessories shall pay a fine equal to the smuggled goods or 10 Million Pesos, whichever is higher.

Govt. officials and employees who are coddlers or in cahoots with smugglers shall be meted the death penalty and pay twice the value of the apprehended smuggled good or 20 million pesos, whichever is higher.

Govt. officials and employees guilty of negligence shall be penalized with 12 years of imprisonment, and pay fifty percent of the value of the apprehended smuggled goods or Five Million Pesos, whichever is higher.

If we can stop, or even just minimize smuggling, the increase in government funds would be tremendous, which could go a long way in helping the national economy.

For these reasons, approval of this bill is earnestly sought.



ROBERT ACE S. BARBERS

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AN ACT
DECLARING SMUGGLING AS HEINOUS CRIME, PROVIDING THE DEATH
PENALTY FOR THE CRIME OF SMUGGLING, AND FOR OTHER PURPOSES

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

SECTION 1. Smuggling as Heinous Crime; Death Penalty; Garnishment. - Smuggling is hereby declared as an act of economic sabotage and classified as heinous crime. Any person convicted of said crime shall be meted the penalty of death and shall pay a fine of twice the value of the smuggled goods or Twenty Million Pesos (P 20,000,000.00), whichever is higher. In addition, all assets and properties of the guilty parties shall be garnished in favor of the government.

SECTION 2. Accomplices and Accessories. - Accomplices shall be meted the penalty of *reclusion perpetua*; while accessories shall be meted the penalty of *reclusion temporal*. Both Accomplices and accessories shall pay a fine equal to the value of the smuggled goods or Ten Million Pesos (P 10,000,000.00), whichever is higher. In addition, all assets and properties of the guilty parties shall be garnished in favor of the government.

SECTION 3. Connivance of Government. Officials and Employees. - Government officials and employees who are found to be in connivance with smugglers shall be meted the penalty of death, and shall pay the amount of twice the value of the smuggled goods or Twenty Million Pesos (P 20,000,000.00), whichever is higher. In addition, all assets and properties of the guilty parties shall be garnished in favor of the government.

SECTION 4. Negligence. - Government officials and employees who are directly tasked to prevent/ stop/ curb smuggling but are found negligent in performing their duties shall be meted the penalty of twelve (12) years of imprisonment, and shall pay a fine of fifty percent (50%) of the value of the smuggled goods or Five Million Pesos (P 5,000,000.00), whichever is higher.

SECTION 5. Rules and Regulations. – The Department of Finance shall issue the Rules and Regulations necessary for the effective implementation of this Act.

SECTION 6. Separability Clause. - If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, then the remaining parts or provisions not affected thereby shall remain in full force and effect.

SECTION 7. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof, which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 8. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least one national newspaper of general circulation.

Approved.