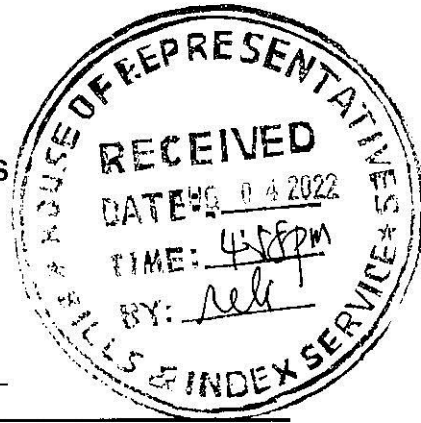


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3254



Introduced by REP. LEX ANTHONY CRIS A. COLADA

EXPLANATORY NOTE

According to the international anti-money laundering on anti-terrorism-financing acts, every one has to declare if you are travelling with more than \$ 10,000 in cash, no matter where you travel. Money laundering and the financing of terrorism are financial crimes with economic effects. Effective anti-money laundering and combating the financing of terrorism regimes are essential to protect the integrity of markets and of the global financial framework as they help mitigate the factors that facilitate financial abuse.

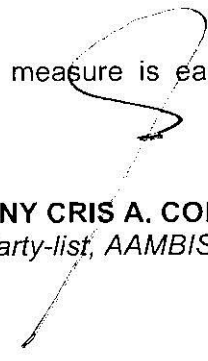
Thus, this bill seeks to penalize any person who imports in or exports out of the Philippines any cash amounting to \$10,000 US dollars or its equivalent amount without any declaration and authorization from the central bank of the country of origin.

The acts shall be considered as smuggling, hence, it shall fall without the jurisdiction of the Bureau of Customs who shall closely working with the Bureau of Immigration in protecting the Philippine borders. However, only cash is being smuggled and not goods, the AMLC and the BSP shall step in the disposition of the seized cash in bulk after the turn-over of the BOC.

Stiffer penalties are imposed for any violation of the Act particularly in the case of foreign nationals, public officers or existence of collusion among the offenders. To further strengthen the enforcement of this measure, a reward system is hereby provided. Lastly, the BOC and BID budget will be augmented upon apprehensions of offenders as they get a portion from fines imposed and collected.

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

LEX ANTHONY CRIS A. COLADA
Party-list, AAMBIS-OWA



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3254

Introduced by REP. LEX ANTHONY CRIS A. COLADA

AN ACT
PENALIZING THE IMPORTATION OR EXPORTATION OF
CASH IN BULK

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

SECTION. 1. Short Title. This Act shall be known as the
"Anti-smuggling of Cash in Bulk Act."

SEC. 2. Declaration of Policy. – It is policy of the State to pursue trade policy that will dignify and protect all economic activities. It is with the end view that the government shall ensure that the Philippines is free from any form of financial acts of terrorism and laundering of money obtained from all forms of illegal activities abroad.

SEC. 3. Importation or Exportation of Cash in Bulk. - Any person may be allowed to import or export cash of any foreign currency amounting to less than 10,000 US dollars or its equivalent amount: *Provided*, That a declaration to such importation or exportation has been executed and a prior authorization from central bank of the country of origin.

SEC. 4. When and How to Declare. – The importation or exportation of cash in bulk shall be declared within twenty-four (24) hours before arrival or departure and shall be presented to the Bureau of Immigration (BI) and Bureau of Customs (BOC).

SEC. 5. Accountability of the Government Agencies Concerned. – The BI and the BOC shall submit the declaration and authorization to the Anti-Money Laundering Council (AMLC) and

the Bangko Sentral ng Pilipinas (BSP) upon receipt thereof for immediate verification on the veracity and authenticity of the documents submitted.

The AMLC and the BSP shall, within twenty-four (24) hours from receipt of the documents, provide result of their verification to the BI and the BOC who shall accordingly act based on the result of the verification. The BI and the BOC shall be authorized to coordinate and deputize with the Philippine National Police (PNP) or Armed Forces of the Philippines (AFP) or any other enforcement authority in the Philippines, as the case may be, when the importing or exporting persons is no longer in their custody to fully enforce the provisions of this Act

SEC. 6. *Authorization from Central Bank.* - The authorization from the central bank of the country of origin shall serve as evidence that the person bringing in or taking out of more than the required amount is conducting a business in the Philippines and that there is no other way to transact but through cash.

SEC. 7. *Penalties.* - Any person found guilty for the violation of this Act shall suffer the penalty of imprisonment of six months and one day to one year and a fine amounting to twice the amount of the smuggled cash in bulk. The BI or BOC shall immediately seized the cash and shall, in coordination with the PNP, or AFP or other law enforcement agencies, take custody of the offender, until the proper indictment of the importing or exporting person or persons.

When the offender is a public officer or employee, the penalty shall, in addition to the preceding paragraph, suffer perpetual disqualification to hold any public office and forfeiture of retirement benefits.

When the offender is a foreign national, the offender shall be deported after service of sentence.

When the violation of this Act was committed through a collusion with any public officer, the offender or offenders and the colluding public officer shall suffer the penalty of imprisonment of one (1) year and one (1) day to five (5) years and a thrice the amount of smuggled cash, separately. The offenders shall likewise suffer, the

additional penalties provided in the preceding paragraphs, respectively.

SEC. 8. *Handling of Seized Cash in Bulk.* – The BOC shall seize the cash in bulk. In the event that the BI was the one who the seized cash in bulk, it shall immediately turn-over the seized amount to the BOC. The BOC shall treat the seized cash in bulk as prohibited goods to be imported or exported and shall turn-over the same to the BSP in the same disposition manner as provided for under Section 1146 of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act.

SEC. 9. *Rewards to Persons Instrumental in the Apprehension of Offenders.* - A cash reward equivalent to one percent (1%) of the total amount of seized cash in bulk or Two Hundred Fifty Thousand Pesos (P250,000), whichever is lower, shall be given to non-public officers who are instrumental in the seizure of the cash in bulk.

SEC. 10. *Earmarking of Fines Imposed and Collected.* – The fifty percent (50%) of all imposed and collected fines for the violation of this Act shall proportionately be divided and remitted to be added to the budget of BOC and BID.

SEC. 11. *Implementing Rules and Regulations.* – Within 90 days from the effectivity of this Act, the DOF, upon the recommendation of the BOC, the DOJ, upon the recommendation of the BI, the Department of Budget and Management, the AMLC and the BSP shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 12. *Separability Clause.* – All laws, decrees, executive orders and proclamations, rules and regulations or parts thereof that are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 13. *Repealing Clause.* – All other laws, decrees, executive orders and issuances, resolutions, ordinances or circulars inconsistent with the provisions of this Act are hereby repealed or modified accordingly or declared null and void and inoperative.

SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least one (1) national newspaper of general circulation.

Approved,