

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

NINETEENTH CONGRESS
First Regular Session

House Bill No. **8170**



Introduced by **HON. NICANOR M. BRIONES**
Representative, AGAP Party List

EXPLANATORY NOTE

The recent fiasco over illegal hoarding and smuggling of onions, sugar, and other agricultural products brought to light the dismal situation of the prosecution of violations of the Anti-Agricultural Smuggling Act. The report submitted to the House Committee on Agriculture and Food by the Bureau of Customs as of 20 January 2023, shows that from 2018 to 2023, only 20 cases have been filed by the Department of Justice with the courts. Meanwhile, 132 cases are still under preliminary investigation.

Given the numerous reported seizures and confiscations of smuggled goods, as well as the many investigations and hearings held on the alleged smuggling, hoarding, and profiteering of various agricultural products, the number of cases filed with and decided by the courts do not match up with the large-scale smuggling occurring in the country. Since offenders have yet to be penalized, it is more difficult to curb agricultural smuggling.

At present, criminal cases involving violations of Republic Act No. 10845 fall under the jurisdiction of Regional Trial Courts (RTCs). As second-level trial courts, dockets of RTCs are historically congested, leading to notable delays in disposition of cases.

This bill finds significance in the gravity, extent, and impact of the crime of agricultural smuggling and economic sabotage. The decades-long rampant smuggling of agricultural products in the country has undermined the efforts of our farmers in making food affordable and available to Filipinos. Moreover, it has robbed the government of millions of supposed revenues that could have been allocated to fund programs for farmers in the country, especially now that the agriculture industry is facing various crises. Hence, it is of utmost and urgent importance to put those responsible for these crimes behind bars and penalize them according to law.

Hence, to hasten bringing the alleged hoarders and smugglers to justice, this measure proposes that a special court, which shall be known as the Anti-Agricultural Smuggling Court, be created. This special court will have exclusive jurisdiction over cases involving RA 10845 and other related cases. Creating this special court will facilitate filing of such cases as prosecutors will no longer have to grapple with the long waiting time for the scheduling, hearing, and disposition of cases. Since Court Justices will concentrate on these cases, this will help unveil clandestine illegal practices that will aid law enforcement agencies recognize smuggling-related activities. Moreover, it will help lessen the dockets of our second-level courts.

In sum, having a special court will aid the judiciary in swiftly resolving agricultural smuggling and economic sabotage cases and, at the same time, de-clog court dockets.

With the foregoing premises considered, the approval of this bill is earnestly sought.



NICANOR M. BRIONES
Representative
AGAP Partylist

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AN ACT
ESTABLISHING ANTI-AGRICULTURAL SMUGGLING COURT, GRANTING
THEM EXCLUSIVE ORIGINAL JURISDICTION OVER CASES INVOLVING
AGRICULTURAL PRODUCTS, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES

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

SECTION 1 Short Title of Act. - This Act shall be known as the "Anti-Agricultural Smuggling Courts Act of 2023".

SEC. 2. Declaration of Policy. - It is the policy of the State to protect farmers, consumers, and the general public from illicit trade of agricultural products. It is also the policy of the State to ensure the efforts of farmers and agricultural industry to succeed and thrive, and to guarantee the health and safety of the consumers.

To uphold this duty, the State shall prosecute economic saboteurs, illicit traders, illegal importers, and smugglers through a court that will provide fair, impartial, and speedy disposition of economic sabotage cases.

SEC. 3. Establishment of Anti-Agricultural Smuggling Court. - There is hereby created an Anti-Agricultural Smuggling Court that will try cases pertaining to smuggling, hoarding, profiteering, and cartel of agricultural products which shall be of the same level as the Sandiganbayan and the Court of Appeals, possessing all the inherent powers of a Court of Justice, and shall consist of four (4) Divisions composed of three (3) Justices each for National Capital Region, Bulacan, Cebu, and Davao.

SEC. 4. Jurisdiction. - The Anti-Agricultural Smuggling Court shall have exclusive original jurisdiction on all cases involving:

- (a) All violations of Republic Act No. 10845, otherwise known as the Anti-Agricultural Smuggling Act of 2016, including those made by public officers, whether be principal accused, an accomplice, or merely an accessory; and
- (b) All cases involving smuggling, hoarding, profiteering, and cartel of agricultural products.

The Anti-Agricultural Smuggling Court shall have the primary jurisdiction over search and seizure of any object or person to be done by appropriate law enforcement agencies with respect to smuggling, hoarding, profiteering, and cartel of agricultural products.

SEC. 5. Qualification and Compensation of Justices. – The Justices of the Anti-Agricultural Smuggling Court shall possess the same qualifications, rank, category, salary, emoluments and other privileges; be subject to the same inhibitions and disqualifications; and enjoy the same retirements and other benefits as those provided for under existing laws for Associate Justices of the Sandiganbayan and Court of Appeals.

The Justices shall be appointed by the President from a list prepared by the Judicial and Bar Council.

SEC. 6. Tenure. – The Justices of the Anti-Agricultural Smuggling Court shall be appointed to serve during good behavior until they reach the age of seventy (70) years or become incapacitated to discharge the duties of their office, unless sooner removed for the same causes and in the same manner provided by law for Associate Justices of the Sandiganbayan and Court of Appeals.

SEC. 7. Appeals. – Decisions and orders of the Anti-Agricultural Smuggling Court shall be appealed to the Supreme Court.

SEC. 8. Special Procedure. — The Anti-Agricultural Smuggling Court shall be governed by such special rules of procedure as the Supreme Court may promulgate.

SEC. 9. Administrative Personnel. – Upon the recommendation of the Anti-Agricultural Smuggling Court, the Supreme Court may designate, from among the officers and employees under it, or appoint the personnel necessary for the Anti-Agricultural Smuggling Court; *Provided, however, That* those merely designated shall not receive additional compensation, except per diems, traveling and necessary expenses, in accordance with existing laws, rules, and regulations.

The Supreme Court shall appoint one (1) Clerk of Court for each Division of the Anti-Agricultural Smuggling Court. The Clerks of Court so appointed shall have the same qualifications, rank, category, salary, emoluments and other privileges; be subject to the same inhibitions and disqualifications; and enjoy the same retirements and other benefits as those

provided for under existing laws for Clerk of Court of the Sandiganbayan or Court of Appeals.

SEC. 10. Appropriations. – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 11. Implementing Rules and Regulations. – The Supreme Court shall formulate the necessary rules and regulations for the effective implementation of this Act.

SEC. 12. Transitory Provisions. – All cases involving violations of Republic Act No. 10845 pending the establishment of the Anti-Agricultural Smuggling Court shall stay at the court where it is tried.

SEC. 13. Separability Clause. – If any provision of this Act shall be held unconstitutional or invalid, the remaining provisions which are not affected thereby shall continue to be in full force and effect.

SEC. 14. Repealing Clause. – All other laws, decrees, executive orders, rules, or regulations inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 15. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,