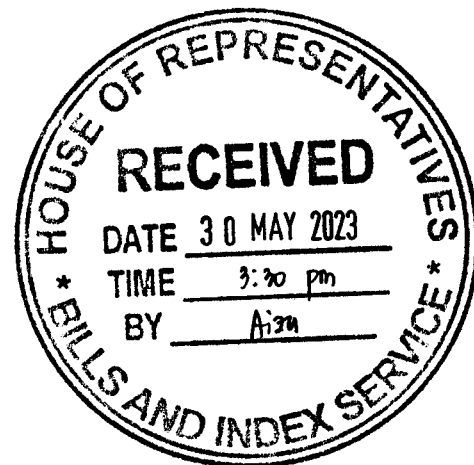


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **8455**



INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO

**AN ACT INCREASING THE PENALTY FOR LARGE-SCALE AGRICULTURAL
SMUGGLING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10845,
OTHERWISE KNOWN AS THE "ANTI-AGRICULTURAL SMUGGLING ACT OF 2016"**

EXPLANATORY NOTE

In view of the March 2023 raid conducted by the Bureau of Customs which yielded some PhP120 Million worth of contraband livestock and seafood products from China, Brazil, Australia, the United States of America, and Russia, agricultural smuggling remains to be a problem in the country.

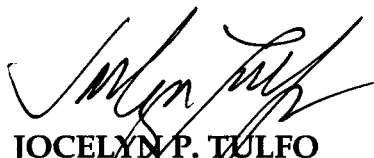
Republic Act No. 10845, otherwise known as the "Anti-Agricultural Smuggling Act of 2016", provides that it is the policy of State to protect farmers from unscrupulous traders and importers, who by their illegal importation of agricultural products significantly affect the production, availability of supply and stability of prices, and the food security of the country. However, despite strict regulations are put in place, smuggling continues to be lucrative.

This Representation believes that in order to keep smuggled products away from consumers and safeguard the livelihoods of those who go through the proper process of importing goods, there is a need to increase the penalty of large-scale agricultural smuggling.

This bill seeks to modify the penalty of committing large-scale agricultural smuggling for the purpose of deterring potential smugglers and to protect our local agricultural sector.

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


RALPH WENDEL P. TULFO
Representative
2nd District of Quezon City


JOCELYN P. TULFO
Representative
ACT-CIS Partylist

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1 **AN ACT INCREASING THE PENALTY FOR LARGE-SCALE AGRICULTURAL**
2 **SMUGGLING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10845,**
3 **OTHERWISE KNOWN AS THE "ANTI-AGRICULTURAL SMUGGLING ACT OF 2016"**
4

5 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*
6

7 **SECTION 1.** Section 4 of Republic Act No. 10845 is amended to read as follows:
8

9 "SEC. 4. Penalties. – (a) The penalty of life imprisonment and a fine of twice the fair
10 value of the smuggled agricultural product and the aggregate amount of the taxes,
11 duties and other charges avoided PLUS INTEREST AT THE PREVAILING LEGAL
12 RATE shall be imposed on any person who commits any of the acts enumerated under
13 Section 3 of this Act.
14

15 (b) The penalty of imprisonment of not less than seventeen (17) years but not more
16 than twenty (20) years, and a fine of twice the fair value of the smuggled agricultural
17 product and the aggregate amount of the taxes, duties and other charges avoided PLUS
18 INTEREST AT THE PREVAILING LEGAL RATE shall be imposed on the officers of
19 dummy corporations, nongovernment organizations, associations, cooperatives, or
20 single proprietorships who knowingly sell, lend, lease, assign, consent or allow the
21 unauthorized use of their import permits for purposes of smuggling.
22

23 (c) The penalty of imprisonment of not less than fourteen (14) years but not more
24 than seventeen (17) years and a fine equal to the fair value of the smuggled agricultural
25 product and the aggregate amount of the taxes, duties and other charges avoided PLUS
26 INTEREST AT THE PREVAILING LEGAL RATE shall be imposed on the following:

- 1
- 2 (1) The registered owner and its lessee or charterer, in case of lease of a
- 3 chartered boat, motorized commercial vessel of more than three (3) gross
- 4 tonnage, who knowingly transports the agricultural product subject to
- 5 economic sabotage, regardless of quantity;
- 6
- 7 (2) The registered owner and its lessee, in case of lease of six (6) or more wheeler
- 8 trucks, vans and other means of transportation, who knowingly transports
- 9 the agricultural product subject to economic sabotage, regardless of
- 10 quantity;
- 11
- 12 (3) The registered owner and lessee of a warehouse, or any property, who
- 13 knowingly stores the smuggled agricultural product subject to economic
- 14 sabotage; or
- 15
- 16 (4) The registered owner, lessee, president or chief executive officer of the
- 17 private port, fish port, fish landing sites, resorts, and airports who
- 18 knowingly allows the agricultural product to be smuggled into the country.
- 19

20 (d) The penalty of imprisonment of not less than twelve (12) years but not more than

21 fourteen (14) years and a fine equal to the fair value of the smuggled agricultural

22 product subject to economic sabotage and the aggregate amount of the taxes, duties

23 and other charges avoided PLUS INTEREST AT THE PREVAILING LEGAL RATE

24 shall be imposed on the following:

25

- 26 (1) The registered owner and its lessee or charterer, in case of lease, of a
- 27 chartered boat, motorized commercial vessel of more than three (3) gross
- 28 tonnage or less, who knowingly transports the agricultural product subject
- 29 to economic sabotage, regardless of quantity; or
- 30
- 31 (2) The registered owner and its lessee, in case of lease, of less than six (6)
- 32 wheeler trucks, vans and other means of transportation, who knowingly
- 33 transports the agricultural product subject to economic sabotage, regardless
- 34 of quantity.

1
2 x x x"
3

4 **SEC. 2. *Separability Clause.*** - If any provision of this Act or a portion thereof is declared
5 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain
6 in full force and effect.
7

8 **SEC. 12. *Repealing Clause.*** - All laws, executive orders, presidential decrees, presidential
9 proclamations, letters of implementation, rules and regulations or parts thereof inconsistent
10 with the provisions of this Act are hereby repealed or modified accordingly.
11

12 **SEC. 13. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the
13 Official Gazette or in a newspaper of general circulation.
14

15 Approved,