

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



23 MAY -4 P1:11

SENATE

RECEIVED BY:

S.B. No. 2127

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
STRENGTHENING THE ANTI-AGRICULTURAL SMUGGLING
POLICIES IN THE COUNTRY, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Farmers and fisherfolk have consistently registered the highest poverty incidence among the country's basic sectors. According to the Philippine Statistics Authority (PSA), the poverty incidence among farmers and fisherfolk reached 30% and 30.6%, respectively, in 2021.¹ This has been the case for decades now even with the various policies and programs in place to secure the livelihood of the sectors that feed the nation.

In 2016, Republic Act No. 10845 or the "Anti-Agricultural Smuggling Act of 2016" was enacted to promote the productivity of the agriculture sector and to protect farmers from unscrupulous traders and importers whose illegal importation of agricultural products significantly affect production, availability of food supply, stability of prices, and the country's food security. The law intended to go after and impose higher sanctions for large-scale smuggling of agricultural products to thwart economic saboteurs and protect the livelihood and economic wellbeing of farmers.

However, more than six years since the passage of the law, agricultural smuggling has remained rampant, with no individual or group prosecuted even with several reports of seizure of smuggled products. Between 2019 and 2022 alone, the Department of Agriculture (DA) estimates that P667.5 million worth of agri-fishery products were smuggled, while the BOC conducted 542 seizure cases involving P1.99 billion worth of agricultural products.²

¹ PSA. *Fisherfolks and Farmers Remain to Have the Highest Poverty Incidences Among the Basic Sectors in 2021*. 24 March 2023. Available at <https://psa.gov.ph/poverty-press-releases/nid/176572>. Accessed on 11 April 2023.

² SEARCA. *Farmers say agricultural smugglers go unpunished*. 21 November 2022. Available at <https://www.searca.org/press/farmers-say-agricultural-smugglers-go-unpunished>. Accessed on 11 April 2023.

The entry of cheap, smuggled agricultural products results in the drastic drop in orders for local produce causing our farmers further distress and losses. In 2022, the League of Associations at the La Trinidad Vegetable Trading Areas said that farmers were losing an average of P2.5 million per day as a result of rampant vegetable smuggling.³ Moreover, unscrupulous traders hold on to their stocks and only release imported vegetables to the market whenever local vegetable prices increase.⁴

Thus, this bill aims to strengthen the anti-agricultural smuggling policies in the country and expand its coverage to include hoarding, profiteering, and cartel of agricultural products as economic sabotage. The bill also mandates the creation of an Anti-Agricultural Smuggling Council to ensure the effective implementation of the law. Ultimately, the measure aims to protect the agriculture sector, our local farmers, and the public from the manipulative schemes of economic saboteurs that jeopardize the production and supply of agricultural products, stability of prices, and the country's food security.

For the foregoing reasons, the passage of this bill is earnestly sought.



JOEL VILLANUEVA

³ CNN Philippines. *Benguet farmers forced to give away carrots due to smuggling*. 28 March 2022. Available at <https://www.cnnphilippines.com/news/2022/3/28/Benguet-farmers-carrots.html>. Accessed on 12 April 2023.

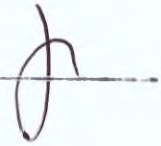
⁴ Inquirer.net. *'Untouchables' behind vegetable smuggling – senators*. 29 March 2022. Available at <https://newsinfo.inquirer.net/1574835/senators-untouchables-behind-veggie-smuggling>. Accessed on 12 April 2023.

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

23 MAY -4 P1 :11

SENATE

RECEIVED BY: _____



S.B. No. 2127

Introduced by SENATOR JOEL VILLANUEVA

**AN ACT
STRENGTHENING THE ANTI-AGRICULTURAL SMUGGLING
POLICIES IN THE COUNTRY, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

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

**CHAPTER I
PRELIMINARY PROVISIONS**

1
2
3
4 **SECTION 1. *Short Title.*** – This Act shall be known as the “Expanded Anti-
5 Agricultural Smuggling Act of 202 3”
6

7 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to promote the
8 productivity of the agriculture sector and to protect farmers from unscrupulous traders
9 and importers, who by their illegal importation of agricultural and fishery products,
10 significantly affect the production, availability of supply, and stability of prices, and the
11 food security of the State.
12

13 It is also the policy of the State to ensure reasonable and affordable prices of
14 basic and prime commodities for consumers by preventing large-scale abuse of
15 market power, hoarding, profiteering, cartel, and other practices that manipulate prices
16 and unduly restrain supply.
17

18 The State shall impose higher sanctions for large-scale smuggling of agricultural
19 and fishery products and other market abuses, as a self-preservation measure to
20 shield itself from the manipulative scheme of economic saboteurs, and to protect the
21 livelihood of our farmers and to ensure their economic well-being.
22

23 **SEC. 3. *Definition of Terms.*** – For purposes of this Act, the following terms are
24 hereby defined as follows:

- 1 (a) Agricultural and Fishery Products – shall refer to plants, plant products, and other
2 related materials capable of harboring plant pests; rice and other grains;
3 biological control agents; live animals; small animals liable to become pest
4 animals; animal feeds and feed ingredients; animal products and by-products;
5 meat and meat products; other animal products, such as embryos and semen;
6 unpasteurized milk; live/fresh/chilled frozen fish, fishery and aquatic products;
7 sugar and molasses; agricultural chemicals and other biological control agents,
8 such as but not limited to, disinfectants, pesticides and fertilizers;
9
- 10 (b) Agricultural Smuggling – shall refer to the smuggling of agricultural and fishery
11 product as defined under this Act, committed through any of the following acts:
12 i. Outright Smuggling – shall refer to the act of importing goods into the country
13 without complete customs-prescribed importation documents, or without
14 being cleared by customs or other regulatory government agencies, for the
15 purpose of evading payment of prescribed taxes, duties and other charges;
16 ii. Technical Smuggling – shall refer to the act of importing goods into the
17 country by means of fraudulent, falsified, or erroneous declaration of the
18 goods to its nature, kind, quality, quantity, or weight, for the purpose of
19 reducing or avoiding payment of prescribed taxes, duties and other charges;
20 iii. Diversion – shall refer to the scheme of unscrupulous importers/traders in
21 which they misdeclare their imports, supposedly for industrial use
22 (authorized only for canning, processing, and institutional buyers), then later
23 divert them for retail sale in wet markets or through online shopping
24 platforms;
25
- 26 (c) Broker – shall refer to any person, natural or juridical, whose services consist of
27 any of the following, such as consultation, preparation of customs requisite
28 document for imports, declaration of customs duties and taxes, preparation,
29 signing, filing, lodging and processing of import entries, representing importers
30 before any government agency and private entities, and rendering of other
31 services in matters relating to customs and tariff laws, its procedures and
32 practices;
33
- 34 (d) Carteling – shall refer to any agreement between two (2) or more persons to
35 control the production, processing, storage, supply, distribution, marketing, sale,
36 or disposition of agricultural and fishery products to obtain monopoly, lessen
37 competition, and artificially and unreasonably increase or manipulate price;
38
- 39 (e) Central Authority – bureau or agency, mandated by law to ensure and supervise
40 the implementation of this Act;
41
- 42 (f) Condemnation – shall refer to the declaration, after due examination and
43 judgment of the products according to the approved protocols by a competent
44 authority, as being non-compliant to the SPS Measures, including being unsafe
45 or unsuitable for human consumption, and requiring appropriate disposal thereof;
46
- 47 (g) Economic Sabotage – shall refer to any act or activity which undermines,
48 weakens or renders into disrepute the economic system or viability of the country
49 or tends to bring about such effects and shall include, *inter alia*, price

- 1 manipulation to the prejudice of the public, especially in the sale of basic
2 necessities and prime commodities;
3
- 4 (h) Fair Market Value – shall refer to the suggested retail prices of agricultural and
5 fishery products at the time of the commission of the crime, issued by the
6 Department of Agriculture (DA) pursuant to the Implementing Rules and
7 Regulations (IRR) of Republic Act No. 7581, otherwise known as the Price Act
8 of 1992;
9
- 10 (i) Food Safety Regulatory Agency – shall refer to the agencies under the DA with
11 food safety regulatory functions defined in Section 16 of the IRR of Republic Act
12 No. 10611, otherwise known as the Food Safety Act of 2013;
13
- 14 (j) Hoarding – shall refer to the purchasing of large quantities of agricultural and
15 fishery products by individual/s or organization/s and holding back of these
16 stocks, creating unnatural shortages and/or in anticipation of and to benefit from,
17 future price increases, monopolization of supply, or cornering the market, to the
18 detriment of consumers, and the general public, which creates inflation and
19 economic instability;
20
- 21 (k) Importation – shall refer to the act of bringing in goods from a foreign territory
22 into the Philippine territory, whether for consumption, warehousing, or admission
23 as defined in the Customs Modernization and Tariff Act (CMTA);
24
- 25 (l) Import Permit – shall refer to a written certificate issued by the concerned
26 authority stating the volume of the consignment. This includes the minimum
27 access volume (MAV) import certificate, Sanitary and Phytosanitary (SPS)
28 Import Clearance, Clearance for the Release of Imported Sugar, or any other
29 equivalent document issued for the importation of agricultural and fishery
30 products;
31
- 32 (m) Market Abuse – shall refer to the circumstances where an agri-fishery investor
33 or agribusiness player in the agricultural and fishery products market have been
34 unreasonably disadvantaged, directly or indirectly by others who have used
35 information which is not publicly available (inside dealing), caused price
36 distortion, disseminated false or misleading information, or diverted imported
37 agricultural and fishery products from its intended use or purpose;
38
- 39 (n) Postharvest Stages – shall refer to the minimal transformation of plant and animal
40 foods after primary production such as removal of field heat for fruits, slaughter
41 of animals, sorting, grading, and cutting of fresh plant and animal foods, icing
42 and freezing, and the milling and storage of grain;
43
- 44 (o) Primary Production – shall refer to the production, rearing or growing of primary
45 products including harvesting, milking, and farmed animal production up to
46 slaughter, and the rearing and growing of fish and other seafood in aquaculture
47 ponds. It also includes fishing, and the hunting and catching of wild products;
48
- 49 (p) Profiteering – shall refer to any act of making an unreasonable or excessive
50 profits by taking advantage of a shortage or high demand of agricultural and

1 fishery products, selling at a price that is significantly higher than the cost of
2 production, with the aim of making a large profit and at the price grossly in excess
3 of its true worth. It also includes price fixing where groups or organizations agree
4 to a given price to maintain their hold on the market that people have no choice
5 but to buy it at that price;

6
7 (q) Sanitary and Phytosanitary (SPS) Measures – shall refer to any legislation,
8 regulation, requirement, or procedure applied for the purpose of (a) protecting
9 animal or plant life or health within the territory of the Philippines from risks arising
10 from the entry, establishment or spread of pests, diseases, disease-carrying
11 organisms or disease-causing organisms; (b) protecting human or animal life or
12 health from risks arising from additives, contaminants, toxins or disease-causing
13 organisms in imported agricultural products; (c) protecting human life or health
14 from risks arising from diseases carried by animals and plants, or products
15 thereof, or from the entry, establishment or spread of pests; or (d) preventing or
16 limiting other damage within the territory of the Philippines from the entry,
17 establishment or spread of pests;

18
19 (r) Simple Processes of Agricultural and Fishery Products – shall refer to the simple
20 processes of preparation or preservation of agricultural and fishery products for
21 the market, such as freezing, drying, salting, broiling, roasting, smoking, or
22 stripping. Polished and/or husked rice, corn grits, raw cane sugar and molasses,
23 ordinary salt, and copra shall be considered in their original state;

24
25 (s) Smuggling – shall refer to the fraudulent act of importing any goods into the
26 Philippines, or the act of assisting in receiving, concealing, buying, selling,
27 disposing, or transporting such goods, with or without full knowledge that the
28 same has been fraudulently imported, or any act which constitutes the offense of
29 economic sabotage, and other market abuses as defined under this Act; and

30
31 (t) SPS Import Clearance – shall refer to the document issued prior to importation
32 by the concerned bureau or agency to ensure that the products being imported
33 meet standards to protect human, animal, or plant life or health, ensuring that the
34 agricultural and fishery products are safe for consumers and to prevent the
35 spread of pests or diseases among animals or plants. Such document also
36 prescribes the conditions to be complied with by the importer for the maintenance
37 of quality and suitability of the product for the intended purpose.

38
39 **CHAPTER II**
40 **PUNISHABLE ACTS**

41
42 **SEC. 4. *Agricultural Smuggling and Other Market Abuses.*** – The following
43 acts shall constitute the offense of agricultural smuggling and other market abuses
44 punishable under this Act:

45
46 (a) *Large-Scale Agricultural Smuggling as Economic Sabotage.* – The crime of
47 large-scale agricultural smuggling as economic sabotage, involving rice, sugar,
48 corn, beef, pork, poultry, garlic, onion, carrots, fish, and cruciferous vegetables,
49 in its raw state, or which have undergone the simple processes of preparation or
50 preservation for the market, with a minimum amount of One Million Pesos

1 (P1,000,000000), as valued by the DA or Bureau of Customs (BOC), is committed
2 through any of the following acts:

- 3 i. Importing or bringing into the Philippines without the required import permit
4 from the regulatory agencies;
- 5 ii. Using import permits of persons, natural or juridical, other than those
6 specifically named in the permit;
- 7 iii. Using fake, fictitious or fraudulent import permits or shipping documents;
- 8 iv. Selling, lending, leasing, assigning, consenting or allowing the use of import
9 permits of corporations, non-government organizations, associations,
10 cooperatives, or single proprietorships by other persons;
- 11 v. Misclassification, undervaluation or misdeclaration upon the filing of import
12 entry and revenue declaration with the BOC in order to evade the payment
13 of rightful taxes and duties due to the government;
- 14 vi. Organizing or using dummy corporations, non-government organizations,
15 associations, cooperatives, or single proprietorships for the purpose of
16 acquiring import permits;
- 17 vii. Transporting or storing the agricultural and fishery product subject to
18 economic sabotage regardless of quantity; or
- 19 viii. Acting as broker of the violating importer.

20
21 (b) *Hoarding, Profiteering, and Cartel as Economic Sabotage.* – The following acts
22 shall also constitute an offense:

- 23 i. Hoarding – purchasing of large quantities of the agricultural and fishery
24 products mentioned above by individual/s or organization/s and holding back
25 of these stocks, creating unnatural shortages and/or in anticipation of and to
26 benefit from future price increases, monopolization of supply, or cornering
27 the market, to the detriment of consumers, and the general public, which
28 creates inflation and economic instability. There shall be *prima facie*
29 evidence of hoarding when a person has stocks of agricultural and fishery
30 products fifty percent (50%) higher than his usual inventory and
31 unreasonably limits, refuses or fails to sell the same to the general public at
32 the time of discovery of the excess. The determination of a person's usual
33 inventory shall be reckoned from the third month immediately preceding
34 before the discovery of the stocks in case the person has been engaged in
35 the business for at least three (3) months; otherwise, it shall be reckoned
36 from the time he started his business;
- 37 ii. Profiteering – any act of making an unreasonable or excessive profits by
38 taking advantage of a shortage or high demand of agricultural and fishery
39 products mentioned above, selling at a price that is significantly higher than
40 the cost of production, with the aim of making a large profit and at the price
41 grossly in excess of its true worth. It also includes price fixing where groups
42 or organizations agree to a given price to maintain their hold on the market
43 that people have no choice but to buy it at that price;
- 44 iii. Cartel – any agreement between two (2) or more persons to control the
45 production, processing, storage, supply, distribution, marketing, sale, or
46 disposition of agricultural and fishery products mentioned above to obtain
47 monopoly, lessen competition and to artificially and unreasonably increase
48 or manipulate price. There shall be *prima facie* evidence of engaging in a
49 cartel whenever two (2) or more persons or business enterprises competing
50 for the same market and dealing in the same agricultural and fishery products

1 perform uniform or complementary acts among themselves which tend to
2 bring about artificial and unreasonable increase in the price of any
3 agricultural or fishery product or when they simultaneously and unreasonably
4 increase prices on their competing products thereby lessening competition
5 among themselves.
6 iv. Other Forms of Market Abuse – this shall consist of insider dealing, unlawful
7 disclosure/improper use of inside information, and market manipulation
8 which could arise from distributing false information, distorting prices, among
9 others.

10
11 *Provided*, That relevant provisions of Republic Act No. 10667, otherwise known
12 as the “Philippine Competition Act” shall apply suppletorily in the implementation and
13 in achieving the objectives of this Act.

14
15 **CHAPTER III**
16 **PENALTIES**
17

18 **SEC. 5. Penalties.** – (a) The penalty of life imprisonment and a fine of twice the
19 fair value of the smuggled agricultural and fishery product or the product subject of
20 hoarding, profiteering, or cartel and the aggregate amount of the taxes, duties and
21 other charges avoided shall be imposed on any person who commits any of the acts
22 enumerated under Section 4 of this Act.

23
24 (b) The penalty of imprisonment of not less than seventeen (17) years but not more
25 than twenty (20) years, and a fine of twice the fair value of the smuggled, hoarded,
26 profiteered, or cartelled agricultural and fishery products, or those subjected to market
27 abuse and the aggregate amount of the taxes, duties and other charges avoided shall
28 be imposed on the officers of dummy corporations, non-government organizations,
29 associations, cooperatives, or single proprietorships who knowingly sell, lend, lease,
30 assign, consent, or allow the unauthorized use of their import permits for purposes of
31 smuggling, hoarding, profiteering, or cartelling.

32
33 (c) The penalty of imprisonment of not less than fourteen (14) years but not more than
34 seventeen (17) years and a fine equal to the fair value of the smuggled, hoarded,
35 profiteered, or carteled agricultural and fishery products and the aggregate amount of
36 the taxes, duties and other charges avoided shall be imposed on the following:

- 37
38 i. The registered owner and its lessee or charterer, in case of lease, of a
39 chartered boat, motorized commercial vessel of more than three (3) gross
40 tonnage, who knowingly transports the agricultural and fishery product
41 subject to economic sabotage, regardless of quantity;
42 ii. The registered owner and its lessee, in case of lease, of six (6) or more
43 wheeler trucks, vans and other means of transportation, who knowingly
44 transports the agricultural and fishery product subject to economic sabotage,
45 regardless of quantity;
46 iii. The registered owner and lessee of a warehouse, or any property, who
47 knowingly stores the smuggled, hoarded, profiteered, or cartelled agricultural
48 and fishery product subject to economic sabotage; or
49 iv. The registered owner, lessee, president or chief executive officer of the
50 private port, fish port, fish landing sites, resorts, and airports who knowingly

1 allows the agricultural and fishery product to be smuggled into the country,
2 or to be hoarded within their facilities.

3
4 (d) The penalty of imprisonment of not less than twelve (12) years but not more than
5 fourteen (14) years and a fine equal to the fair value of the smuggled agricultural
6 and fishery product subject to economic sabotage and the aggregate amount of
7 the taxes, duties and other charges avoided shall be imposed on the following:

- 8
9 i. The registered owner and its lessee or charterer, in case of lease, of a
10 chartered boat, motorized commercial vessel of three (3) gross tonnage or
11 less, who knowingly transports the agricultural and fishery product subject to
12 economic sabotage, regardless of quantity;
13 ii. The registered owner and its lessee, in case of lease, of less than six (6)
14 wheeler trucks, vans and other means of transportation, who knowingly
15 transports the agricultural and fishery product subject to economic sabotage,
16 regardless of quantity.

17
18 In all cases, smuggled perishable agricultural and fishery products shall be
19 confiscated and disposed of in any the following manner within seven (7) days after
20 due examination and judgment of the products:

- 21 (a) Destruction;
22 (b) Return to the country of origin;
23 (c) Shipment to a third country; or
24 (d) Donation pursuant to Section 1141 and 1146 of the CMTA.

25
26 The concerned DA Regulatory Agency having jurisdiction over a particular
27 agricultural and fishery product which gained unauthorized entry into the Philippines
28 shall effect the condemnation of said commodities.

29
30 Properties used in agricultural smuggling, hoarding, profiteering, cartel, or other
31 market abuse shall be forfeited in favor of the government.

32
33 When the offender is a juridical person, criminal liability shall attach to its
34 president, chief operating officer or manager who consents to or knowingly tolerates
35 the commission of the prohibited crime.

36
37 Any person, natural or juridical, found guilty under this Act shall also suffer the
38 penalty of perpetual absolute disqualification to engage in any business involving
39 importation.

40
41 In applying the abovementioned penalties, if the offender is an alien and the
42 prescribed penalty is not life imprisonment, he/she shall be deported after serving the
43 sentence without further proceedings for deportation.

44
45 If the offender is a government official or employee, the penalty shall be the
46 maximum as hereinabove prescribed and the offender shall suffer an additional
47 penalty of perpetual disqualification from public office, to vote and to participate in any
48 public election.

1 **SEC. 6. Liability for Other Forms of Market Abuse.** – Other forms of market
2 abuse shall be punishable by imprisonment of four (4) years to six (6) years for each
3 and every offense with an order issued by law enforcement authorities.
4

5 **CHAPTER IV**
6 **ENFORCEMENT AND IMPLEMENTATION**
7

8 **SEC. 7. Anti-Agricultural Smuggling Council.** – There is hereby created an
9 Anti-Agricultural Smuggling Council to be headed by the Secretary of the DA as
10 Chairperson, with the Secretary of the Department of Finance (DOF) and the
11 Secretary of the Department of Trade and Industry (DTI) as Vice Chairpersons.
12

13 The Council shall include as members one (1) representative from the following:
14

- 15 (a) Department of Justice (DOJ);
- 16 (b) Department of Health (DOH) ;
- 17 (c) Department of the Interior and Local Government (DILG);
- 18 (d) Department of National Defense (DND);
- 19 (e) Department of Transportation (DOTr);
- 20 (f) Department of Foreign Affairs (DFA);
- 21 (g) National Economic and Development Authority (NEDA);
- 22 (h) National Security Council (NSC);
- 23 (i) National Bureau of Investigation (NBI);
- 24 (j) Philippine National Police (PNP);
- 25 (k) Bureau of Customs (BOC);
- 26 (l) Philippine Coast Guard (PCG);
- 27 (m) Philippine Ports Authority (PPA);
- 28 (n) Anti-Money Laundering Council (AMLC);
- 29 (o) Securities and Exchange Commission (SEC); and
- 30 (p) At least three (3) representatives from national organizations of farmers and
31 fisherfolk, representing members from crops, livestock/poultry, and fisheries
32 sectors.

33
34 *Provided,* That the representatives from the government sector shall have at
35 least the rank of Assistant Secretary or its equivalent.
36

37 **SEC. 8. Powers and Functions of the Anti-Agricultural Smuggling Council.**
38 – The Anti-Agricultural Smuggling Council shall have the following powers and
39 functions:
40

- 41 (a) To formulate a national anti-agricultural smuggling plan and extend immediate
42 assistance for the suppression of real-time commission of agricultural smuggling;
- 43
- 44 (b) To coordinate the preparation of appropriate and effective measures to prevent
45 and suppress agricultural smuggling activities as provided for in this Act;
- 46
- 47 (c) To establish a mechanism of information sharing among concerned agencies;
- 48
- 49 (d) To monitor agricultural smuggling cases being handled by participating law
50 enforcement and prosecution agencies;

- 1 (e) To facilitate international cooperation on intelligence, investigations, training, and
2 capacity building related to agricultural smuggling prevention, suppression and
3 prosecution;
4
- 5 (f) To coordinate the support and participation of the business sector, local
6 government units and non-government organizations in agricultural smuggling
7 prevention programs and other related projects;
8
- 9 (g) To recommend the enactment of appropriate laws, issuances, measures and
10 policies;
11
- 12 (h) To perform all other matters related to agricultural smuggling prevention and
13 suppression, and such other functions and duties as may be necessary for the
14 proper implementation of this Act.
15

16 **SEC. 9. *Special Team of Prosecutors.*** – To assist the Council in the
17 expeditious prosecution of criminal and other cases covered under this Act, a special
18 team of prosecutors from the DOJ shall be assigned and shall have the following
19 powers and functions:
20

- 21 (a) To evaluate evidence gathered by the Inspectorate and Enforcement Service
22 (IES) of the DA and to determine whether or not violation of this Act and other
23 related laws and regulations has been committed;
24
- 25 (b) To apply for the issuance of warrant of seizure and detention in appropriate
26 cases;
27
- 28 (c) To initiate and conduct preliminary investigations and timely file and prosecute
29 the appropriate administrative and criminal charges against the person, group,
30 or entity responsible for smuggling, hoarding, profiteering, and cartel; and
31
- 32 (d) To apply for the issuance of search warrant or warrant of arrest before the courts
33 in appropriate administrative or criminal cases.
34

35 **SEC. 10. *Reportorial Requirement.*** – The Anti-Agricultural Smuggling Council
36 shall submit a quarterly report to the Office of the President and Congressional
37 Oversight Committee on Agricultural and Fisheries Modernization (COCAFAM) on the
38 progress and accomplishments made in the implementation of this Act.
39

40 **SEC. 11. *Prescription of Crimes.*** – The crimes punishable under this Act shall
41 prescribe in twenty (20) years.
42

43 **CHAPTER V** 44 **JURISDICTION** 45

46 **SEC. 12. *Jurisdiction.*** – Regional Trial Courts shall have jurisdiction over any
47 violation of the provisions of this Act. Jurisdiction shall lie if any of the elements was
48 committed within the Philippines, or when by such commission, any damage is caused
49 to a natural or juridical person who, at the time the offense was committed, was in the
50 Philippines.

1
2 There shall be designated special anti-agricultural smuggling courts manned by
3 especially trained judges to handle agricultural smuggling cases.
4

5 **CHAPTER VI**
6 **INTERNATIONAL COOPERATION**
7

8 **SEC. 13. *General Principles Relating to International Cooperation.*** – All
9 relevant international instruments on international cooperation in criminal matters,
10 arrangements agreed on the basis of uniform or reciprocal legislation, and domestic
11 laws, to the widest extent possible for the purposes of investigations or proceedings
12 concerning criminal offenses related to agricultural economic sabotage shall be given
13 full force and effect.
14

15 **CHAPTER VII**
16 **CENTRAL AUTHORITY**
17

18 **SEC. 14. *Department of Agriculture.*** – The Department is designated as the
19 central authority in all matters related to anti-agricultural smuggling.
20

21 **SEC. 15. *Inspectorate and Enforcement Service.*** – Within thirty (30) days
22 from the effectivity of this Act, a Service, to be known as the Inspectorate and
23 Enforcement Service (IES), shall be created and headed by an Undersecretary of the
24 DA.
25

26 **SEC. 16. *Powers and Functions of the IES.*** – The IES shall have the following
27 powers and functions:
28

- 29 (a) To effect searches, seizures, and arrest, and to exclusively file administrative and
30 criminal cases before the prosecutor;
31
32 (b) To inspect warehouses where seized commodities are stored to ensure that such
33 commodities are not being ferreted out or removed without proper documentation;
34 and
35
36 (c) To secure copies of documents pertaining to the nature and particulars of the
37 commodity or goods subject of importation, i.e., quantity or volume, technical or
38 qualitative specifications, port of destination, estimated date of arrival in the
39 Philippines, cargo manifest, reference values from the BOC, and transaction
40 values of imported goods, among others, from government agencies concerned
41 and non-government sources like pre-shipment companies at the port of origin,
42 and commercial banks, in accordance with existing laws, rules, and regulations.
43

44 **CHAPTER VIII**
45 **FINAL PROVISIONS**
46

47 **SEC. 17. *Appropriations.*** – The amount of Five Hundred Million Pesos
48 (P500,000,000.00) shall be appropriated annually for the implementation of this Act.

1 **SEC. 18. *Implementing Rules and Regulations.*** – The DA, in consultation with
2 concerned agencies, shall promulgate the implementing rules and regulations of this
3 Act within sixty (60) days upon its effectivity.
4

5 **SEC. 19. *Separability Clause.*** – If any provision of this Act is declared invalid
6 or unconstitutional, the other provisions not affected thereby shall remain in full force
7 and effect.
8

9 **SEC. 20. *Repealing Clause.*** – Republic Act No. 10845, otherwise known as the
10 “Anti-Agricultural Smuggling Act of 2016,” is hereby repealed. All laws, decrees,
11 executive issuances, and rules and regulations inconsistent with the provisions of this
12 Act are hereby repealed or modified accordingly.
13

14 **SEC. 21. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
15 complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,