

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



23 MAY 18 P1:56

**SENATE**  
S. No. 2214

RECEIVED BY: \_\_\_\_\_

---

Introduced by Senator Robinhood Padilla

---

**AN ACT**  
**AMENDING SECTION 4 OF REPUBLIC ACT NO. 10845 OTHERWISE KNOWN AS THE ANTI-AGRICULTURAL SMUGGLING ACT OF 2016, THEREBY IMPOSING DEATH PENALTY WHEN THE OFFENSE IS COMMITTED BY A PERSONNEL OF THE BUREAU OF CUSTOMS, THE ARMED FORCES OF THE PHILIPPINES, THE PHILIPPINE NATIONAL POLICE, OR ANY OTHER UNIFORMED OR LAW ENFORCEMENT AGENCY**

EXPLANATORY NOTE

The Philippines is home to more than 100 million people, with half living in rural areas and a great proportion struggling to make ends through subsistence farming and fishing for their livelihoods.

An attack on the nation's agricultural sector is an affront to the lives of our people. According to the Philippine Statistics Authority (PSA), the agriculture sector contributed an average of 10% to the country's Gross Domestic Product (GDP) in the last few years. However, agricultural smuggling has significantly undermined this contribution. The Department of Agriculture (DA) estimated that the country loses an estimated P40 billion annually due to agricultural smuggling.

The presence of smuggled agricultural products saturates the market and, more often than not, lowers local prices, making it difficult for our locally-produced products to compete fairly in the market. This, in effect, hinders our local farmers from producing agricultural output due to the fear of not recovering their investments.

Despite the passage of the landmark legislation, "Anti-Agricultural Smuggling Act," in 2016 and several reports of seizure of smuggled products, there has been no prosecution of individuals, groups, or corporations under the law.

The law has not deterred smuggling and its adverse impact on the agricultural sector, which has grown into abominable proportions over the years. In fact, amid growing food insecurity in the country, smuggled agricultural products and goods cost P1.99 billion in 2022 from over 500 seizures conducted by the Bureau of Customs.

Large-scale smuggling and other pernicious activities are threatening the lives of the people by pushing them further to the brink of poverty and putting our country in grave food insecurity. All these while our customs administration remains riddled by persistent corruption and perversity.

We have to send a strong message that the large-scale agricultural smuggling, hoarding, profiteering, and cartel of agricultural products perpetrated by the officers and employees of the Bureau of Customs, are heinous and a threat to the very foundation of our society. Hence, there is a compelling reason to impose death penalty.

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



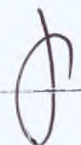
**ROBINHOOD PADILLA**  
Senator

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



23 MAY 18 P1:56

**SENATE**  
**S. No. 2214**

RECEIVED BY: 

---

Introduced by Senator Robinhood Padilla

---

**AN ACT**  
**AMENDING SECTION 4 OF REPUBLIC ACT NO. 10845 OTHERWISE KNOWN AS THE ANTI-AGRICULTURAL SMUGGLING ACT OF 2016, THEREBY IMPOSING DEATH PENALTY WHEN THE OFFENSE IS COMMITTED BY A PERSONNEL OF THE BUREAU OF CUSTOMS, THE ARMED FORCES OF THE PHILIPPINES, THE PHILIPPINE NATIONAL POLICE, OR ANY OTHER UNIFORMED OR LAW ENFORCEMENT AGENCY**

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

1 Section 1. Section 4 of Republic Act No. 10845 otherwise known as the "*Anti-*  
2 *Agricultural Smuggling Act of 2016*", is hereby amended to read as follows:

3 "Section 4. *Penalties.* – (a) The penalty of life  
4 imprisonment and a fine of twice the fair value of the  
5 smuggled agricultural product and the aggregate amount of  
6 the taxes, duties and other charges avoided shall be imposed  
7 on any person who commits any of the acts enumerated  
8 under Section 3 of this Act.

9 (b) " x. x. x

10 (c) " x. x. x

11 (d) " x. x. x

12 " x. x. x

13 If the **ACTS PUNISHABLE IN THIS ACT ARE**  
14 **COMMITTED, OR AIDED OR ABETTED BY [offender-is] a**

1 government official or employee, the penalty shall be the  
2 maximum as hereinabove prescribed and the offender shall  
3 suffer an additional penalty of perpetual disqualification from  
4 public office, to vote and to participate in any public  
5 election[-]: **PROVIDED, THAT THE PENALTY OF DEATH**  
6 **SHALL BE IMPOSED WHEN THE OFFENDER IS A**  
7 **PERSONNEL OF THE BUREAU OF CUSTOMS, THE**  
8 **ARMED FORCES OF THE PHILIPPINES, THE**  
9 **PHILIPPINE NATIONAL POLICE, OR ANY OTHER**  
10 **UNIFORMED OR LAW ENFORCEMENT AGENCY.**

11 *Sec. 2. Declaration of Heinous Crime and Imposition of Death Penalty.* — It is  
12 hereby declared a heinous crime and death penalty shall be imposed when the  
13 offense, provided in the foregoing section, is committed by any personnel of the  
14 Bureau of Customs, Armed Forces of the Philippines, Philippine National Police, or any  
15 other uniformed or law enforcement agency.

16 *Sec. 3. Suspension of the execution of the death sentence.* — The death  
17 sentence shall not be inflicted upon a woman while she is pregnant or within one (1)  
18 year after delivery, or upon any person over seventy (70) years of age. In the latter  
19 case, the death sentence shall be commuted to forty (40) years imprisonment with  
20 the accessory penalties provided under the Revised Penal Code.

21 *Sec. 4. Separability Clause.* — If any portion or provision of this Act is declared  
22 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
23 remain in force and effect.

24 *Sec. 5. Repealing Clause.* — Republic Act No. 9346 is hereby amended  
25 accordingly in so far as the prohibition of death penalty on crimes as specified in this  
26 Act. Any law, presidential decree or issuance, executive order, letter of instruction,  
27 rule or regulation inconsistent with the provisions of this Act is hereby repealed or  
28 modified accordingly.

29 *Sec. 6. Effectivity Clause.* — This Act shall take effect after fifteen (15) days  
30 following its complete publication in the Official Gazette or a newspaper of general  
31 circulation.

Approved,