



HOUSE OF REPRESENTATIVES

H. No. 9284

BY REPRESENTATIVES SUANSING (M.A.), SUANSING (H.), MARCOS, ROMUALDEZ (F.M.), DALIPE, NOGRALES (M.), YAP (ERIC), SALCEDA, LEE, BRIONES, BARONDA, PIMENTEL, BROSAS, CASTRO (F.), MANUEL, TULFO (R.W.), TULFO (J.), TAN (K.M.), GARCIA (D.), TAMBUNTING, VILLANUEVA, DUTERTE, CAGAS, ABUNDA, MORDEN, RIVERA, GUINTU, CASTRO (J.), MARIANO-HERNANDEZ, FLORES, ROMUALDO, DELOS SANTOS, LARA, GONZALES (A.), DE VENECIA, BORDADO, DY (F.), SUAN, GARCIA (P.J.), GALEOS, LOYOLA, CHAN, ESTRELLA, EMANO, FUENTEBELLA, UNABIA, ABALOS, PALMA AND ENVERGA

AN ACT

DECLARING LARGE-SCALE AGRI-FISHERY COMMODITIES, AND TOBACCO SMUGGLING, HOARDING, PROFITEERING, CARTELIZING, AND OTHER ACTS OF MARKET ABUSE AS ECONOMIC SABOTAGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10845, OTHERWISE KNOWN AS THE ANTI-AGRICULTURAL SMUGGLING ACT OF 2016

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

1 SECTION 1. Section 1 of Republic Act (RA) No. 10845, “Anti-Agricultural Smuggling Act of
2 2016”, is hereby amended to read as follows:

3 “SECTION 1. *Short Title.* – This Act shall be known as the “Anti [~~Agri-cultural~~
4 ~~Smuggling~~] **AGRI-FISHERY COMMODITIES AND TOBACCO ECONOMIC**
5 **SABOTAGE** Act of [~~2016~~] **2023**”.

6 SEC. 2. Section 2 of RA No. 10845 is hereby amended to read as follows:

7 “SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the productivity
8 of the agriculture, **FISHERY, AND TOBACCO** sectorS and to protect farmers **AND**
9 **FISHERFOLK** from unscrupulous traders and importers, who by their illegal
10 importation of [~~agricultural products~~] **AGRI-FISHERY COMMODITIES**, especially
11 rice, **AND TOBACCO**, significantly affect the production, availability of supply and
12 stability of prices, and the food security of the State.

13 **THE STATE SHALL LIKEWISE PROMOTE THE AFFORDABILITY AND**
14 **STABILITY OF SUPPLY OF FOOD, AGRI-FISHERY COMMODITIES, AND**
15 **TOBACCO FOR FILIPINO CONSUMERS BY PREVENTING LARGE-SCALE**
16 **SMUGGLING, HOARDING, PROFITEERING, CARTELIZING, AND OTHER**
17 **ACTS OF MARKET ABUSE THAT MANIPULATE PRICES AND UNDULY**
18 **RESTRAIN SUPPLY.**

1 The State shall impose higher sanctions for large-scale smuggling, **HOARDING,**
2 **PROFITEERING, CARTELIZING, AND OTHER ACTS OF MARKET ABUSE**
3 of [agricultural products] **AGRI-FISHERY COMMODITIES OR TOBACCO, AND**
4 **TO PUBLIC OFFICIALS OR EMPLOYEES WHO TAKE PART IN,**
5 **TOLERATE, OR CONSENT TO THE DOING OF THE SAME,** as A self-
6 preservation measure to shield itself from the manipulative scheme of economic
7 saboteurs, and to protect the livelihood of our farmers and **FISHERFOLK** to ensure
8 their economic well-being **AND THAT OF CONSUMERS.”**

9 SEC. 3. A new Section 2-A shall be inserted after Section 2 of RA No. 10845 to read as follows:

10 **“SEC. 2-A. DEFINITION OF TERMS. – AS USED IN THIS ACT:**

11 **(A) AGRI-FISHERY COMMODITIES REFER TO COMMODITIES SUCH AS**
12 **RICE, SUGAR, CORN, PORK, POULTRY, BEEF, LAMB, GARLIC,**
13 **ONION, CARROTS, CRUCIFEROUS VEGETABLES, COCONUT,**
14 **COCONUT OIL, PALM OIL, PALM OLEIN, WHEAT, FISH, AND**
15 **SHELLFISH.**

16 **(B) ECONOMIC SABOTAGE REFERS TO ANY ACT OR ACTIVITIES THAT**
17 **UNDERMINE, WEAKEN, OR RENDER INTO DISREPUTE THE**
18 **ECONOMIC SYSTEM OR VIABILITY OF THE COUNTRY, OR TEND TO**
19 **BRING ABOUT SUCH EFFECTS. PARTICULARLY FOR THIS ACT, THE**
20 **FOLLOWING CRIMES SHALL CONSTITUTE ECONOMIC SABOTAGE:**

- 21 **(I) LARGE-SCALE SMUGGLING AS DEFINED UNDER SEC. 3**
22 **(II) LARGE-SCALE HOARDING AS DEFINED UNDER SEC. 3-A**
23 **(III) LARGE-SCALE PROFITEERING AS DEFINED UNDER SEC. 3-A**
24 **(IV) LARGE-SCALE CARTELIZING AS DEFINED UNDER SEC. 3-A**
25 **(V) OTHER ACTS OF MARKET ABUSE UNDER SEC. 3-A**

26 **(C) ECONOMIC ACTIVITY REFERS TO THE ENGAGEMENT IN THE**
27 **PRODUCTION, MANUFACTURING, PROCESSING, IMPORTATION,**
28 **STORAGE, SUPPLY, DISTRIBUTION, MARKETING, TRADING, SALE**
29 **OR DISPOSITION OF AGRI-FISHERY COMMODITIES OR TOBACCO.**

30 **(D) ENTITIES REFER TO PERSONS, NATURAL OR JURIDICAL, SOLE**
31 **PROPRIETORSHIPS, PARTNERSHIP, CORPORATIONS OR**
32 **ASSOCIATIONS IN ANY FORM, WHETHER INCORPORATED OR NOT,**
33 **DOMESTIC OR FOREIGN, INCLUDING THOSE OWNED OR**
34 **CONTROLLED BY THE GOVERNMENT, ENGAGED DIRECTLY OR**
35 **INDIRECTLY IN ANY ECONOMIC ACTIVITY.**

36 **(E) FAIR MARKET VALUE DIFFERS FOR IMPORTED COMMODITIES AND**
37 **DOMESTICALLY PRODUCED COMMODITIES.**

38 **FOR IMPORTED COMMODITIES, FAIR MARKET VALUE REFERS TO**
39 **THE TRANSACTION VALUE, AS DETERMINED BY THE BUREAU OF**
40 **CUSTOMS (BOC) IN CONCURRENCE WITH THE DEPARTMENT OF**
41 **AGRICULTURE (DA) AND THE DEPARTMENT OF TRADE AND**

1 INDUSTRY (DTI), OF THE AGRI-FISHERY COMMODITIES OR
2 TOBACCO AT THE TIME OF THE COMMISSION OF THE CRIME.

3 FOR DOMESTICALLY PRODUCED COMMODITIES, *FAIR MARKET*
4 *VALUE* REFERS TO THE SUGGESTED RETAIL PRICE, AS
5 DETERMINED BY THE DEPARTMENT OF TRADE AND INDUSTRY
6 (DTI) IN CONCURRENCE WITH THE DEPARTMENT OF
7 AGRICULTURE (DA), OF THE AGRI-FISHERY COMMODITIES OR
8 TOBACCO AT THE TIME OF THE COMMISSION OF THE CRIME.

9 (F) *TOBACCO* REFERS TO BOTH MANUFACTURED AND
10 UNMANUFACTURED TOBACCO.

11 *MANUFACTURED TOBACCO* REFERS TO ANY FINISHED PRODUCT
12 THAT CONTAINS TOBACCO SUCH AS CIGARETTES, CIGARS,
13 HEATED TOBACCO PRODUCTS OR ANY PRODUCT CONTAINING
14 TOBACCO THAT IS INTENDED FOR SMOKING, HEATING, PUFFING,
15 ORAL OR NASAL USE.

16 *UNMANUFACTURED TOBACCO* REFERS TO AGRICULTURAL
17 COMPONENTS DERIVED FROM THE TOBACCO PLANT, WHICH ARE
18 INTENDED FOR USE IN THE MANUFACTURE OF CIGARETTES AND
19 OTHER TOBACCO PRODUCTS.”

20 SEC. 4. Section 3 of RA No. 10845 is hereby amended to read as follows:

21 “SEC. 3. *Large-Scale [Agricultural] AGRI-FISHERY COMMODITIES OR*
22 *TOBACCO Smuggling as Economic Sabotage.* – The crime of large-scale
23 [*agricultural*] **AGRI-FISHERY COMMODITIES OR TOBACCO** smuggling as
24 economic sabotage, involving [*sugar, corn, pork, poultry, garlic, onion, carrots, fish and*
25 *cruciferous vegetables*] **AGRI-FISHERY COMMODITIES**, in its raw state, or which
26 have undergone the simple processes of preparation or preservation for the market
27 **SUCH AS FREEZING, DRYING, SALTING, BROILING, ROASTING,**
28 **SMOKING OR STRIPPING**, with a minimum [*amount*] **AGGREGATE FAIR**
29 **MARKET VALUE** of one million pesos (P1,000,000.00), [*or rice, with a minimum*
30 *amount of ten million (P10,000,000.00) as valued by the Bureau of Customs (BOC)*],
31 **OR INVOLVING TOBACCO WITH A MINIMUM EXCISE TAX AND VAT**
32 **PAYABLE IN THE AMOUNT OF ONE MILLION PESOS (P1,000,000.00)**, is
33 committed through any of the following acts:

34 (a) Importing or bringing into the Philippines without the required [*import*
35 *permit*]**IMPORT CLEARANCE DOCUMENTS** from the regulatory agencies;

36 (b) Using [*import permits*]**IMPORT CLEARANCE DOCUMENTS** of persons,
37 natural or juridical, other than those specifically named in the permit;

38 (c) Using fake, fictitious or fraudulent [*import permits*]**IMPORT CLEARANCE**
39 **DOCUMENTS** or shipping documents;

1 (d) Selling, lending, leasing, assigning, consenting or allowing the use of [import
2 permits]**IMPORT CLEARANCE DOCUMENTS** of corporations, nongovernment
3 organizations, cooperatives, or single proprietorships by other persons;

4 (e) Misclassification, undervaluation or misdeclaration upon the filing of import entry
5 and revenue declaration with the BOC in order to evade the payment of rightful taxes
6 and duties due to the government;

7 (f) Organizing or using dummy corporations, nongovernment organizations,
8 associations, cooperatives, or single proprietorships for the purpose of acquiring
9 [import permits]**IMPORT CLEARANCE DOCUMENTS**;

10 (g) Transporting or storing the agricultural product subject to economic sabotage
11 [~~regardless of quantity~~]; or

12 (h) Acting as A broker, **AGENT, FACILITATOR, FORWARDER, WAREHOUSE**
13 **LESSOR, OR COLD STORAGE LESSOR** of the violating importer[.];

14 **(I) ALLOWING OR APPROVING IN ONE’S CAPACITY AS A PUBLIC**
15 **OFFICER OR EMPLOYEE THE IMPORTATION INTO THE PHILIPPINES**
16 **WITHOUT THE REQUIRED IMPORT CLEARANCE DOCUMENTS FROM**
17 **THE REGULATORY AGENCIES, WHETHER OR NOT THERE IS**
18 **PECUNIARY INTEREST OR MATERIAL BENEFIT OR ADVANTAGE ON**
19 **THE PART OF THE PUBLIC OFFICER OR EMPLOYEE;**

20 **(J) APPROVING OR GRANTING ANY LICENSE, EXPORT DECLARATION,**
21 **CLEARANCE OR PERMIT, KNOWING THAT THE SAME IS MANIFESTLY**
22 **UNLAWFUL, INEQUITABLE OR IRREGULAR, WHETHER OR NOT THERE**
23 **IS PECUNIARY INTEREST OR MATERIAL BENEFIT OR ADVANTAGE ON**
24 **THE PART OF THE PUBLIC EMPLOYEE OR OFFICER;**

25 **(K) ALLOWING THE USE OF A PRIVATE PORT, FISH PORT, FISH**
26 **LANDING SITE, RESORT, AND/OR AIRPORT TO PERPETUATE THE**
27 **ECONOMIC SABOTAGE REGARDLESS OF QUANTITY; AND**

28 **(L) IMPORTING FINISHED PRODUCTS SUCH AS CIGARETTES, CIGARS,**
29 **AND HEATED TOBACCO PRODUCTS, THAT ARE NOT REGISTERED**
30 **WITH THE BUREAU OF INTERNAL REVENUE (BIR). FOR THIS PURPOSE,**
31 **THE BIR SHALL PUBLISH AND REGULARLY UPDATE THE LIST OF**
32 **FINISHED GOODS THAT ARE REGISTERED IN THEIR OFFICE, STATING**
33 **THEREIN THAT ALL UNREGISTERED PRODUCTS ARE ILLEGAL AND**
34 **ARE SUBJECT TO IMMEDIATE CONFISCATION.”**

35 SEC. 5. A new Section 3-A shall be inserted after Section 3 of RA No. 10845 to read as follows:

36 **“SEC. 3-A. LARGE-SCALE AGRI-FISHERY COMMODITIES OR TOBACCO**
37 **HOARDING, PROFITEERING, CARTELIZING, AND OTHER ACTS OF**
38 **MARKET ABUSE AS ECONOMIC SABOTAGE. – THE CRIMES OF**

1 **LARGE-SCALE AGRI-FISHERY COMMODITIES OR TOBACCO**
2 **HOARDING, PROFITEERING, CARTELIZING, AND OTHER ACTS OF**
3 **MARKET ABUSE AS ECONOMIC SABOTAGE, INVOLVING AGRI-**
4 **FISHERY COMMODITIES, IN ITS RAW STATE OR WHICH HAVE**
5 **UNDERGONE THE SIMPLE PROCESSES OF PREPARATION OR**
6 **PRESERVATION FOR THE MARKET SUCH AS FREEZING, DRYING,**
7 **SALTING, BROILING, ROASTING, SMOKING OR STRIPPING, WITH A**
8 **MINIMUM AGGREGATE FAIR MARKET VALUE OF TWO MILLION FIVE**
9 **HUNDRED THOUSAND PESOS (P2,500,000.00), OR INVOLVING TOBACCO**
10 **WITH A MINIMUM EXCISE TAX AND VAT PAYABLE IN THE AMOUNT OF**
11 **ONE MILLION PESOS (P1,000,000.00), ARE COMMITTED THROUGH THE**
12 **FOLLOWING ACTS:**

13 **(A) HOARDING – REFERS TO UNDUE ACCUMULATION BY ENTITIES OF**
14 **ANY AGRI-FISHERY COMMODITIES OR TOBACCO BEYOND THEIR**
15 **NORMAL INVENTORY LEVELS, OR THE UNREASONABLE LIMITATION**
16 **OR REFUSAL TO DISPOSE OF, SELL OR DISTRIBUTE THE STOCKS OF**
17 **ANY AGRI-FISHERY COMMODITIES OR ANY TOBACCO TO THE**
18 **GENERAL PUBLIC, OR THE UNJUSTIFIED TAKING OUT OF ANY AGRI-**
19 **FISHERY COMMODITIES OR ANY TOBACCO FROM THE CHANNELS OF**
20 **REPRODUCTION, TRADE, COMMERCE AND INDUSTRY.**

21 **THERE SHALL BE *PRIMA FACIE* EVIDENCE OF HOARDING WHEN**
22 **ENTITIES HAVE STOCKS OF ANY AGRI-FISHERY COMMODITIES OR**
23 **TOBACCO FIFTY PERCENT (50%) HIGHER THAN THEIR NORMAL**
24 **INVENTORY LEVELS OR UNREASONABLY LIMIT, REFUSE TO DISPOSE**
25 **OF, SELL OR DISTRIBUTE THE SAME TO THE GENERAL PUBLIC AT THE**
26 **TIME OF DISCOVERY OF THE EXCESS. THE DETERMINATION OF THE**
27 **ENTITIES’ NORMAL INVENTORY LEVELS SHALL BE RECKONED FROM**
28 **THE THIRD MONTH IMMEDIATELY PRECEDING THE DISCOVERY OF**
29 **THE STOCKS IN CASE THE ENTITIES HAVE BEEN ENGAGED IN THE**
30 **BUSINESS FOR AT LEAST THREE (3) MONTHS; OTHERWISE, IT SHALL**
31 **BE RECKONED FROM THE TIME THE ENTITIES STARTED THEIR**
32 **BUSINESS.**

33 **NORMAL INVENTORY LEVELS SHALL BE DETERMINED BY THE DA,**
34 **TAKING INTO CONSIDERATION THE SEASONALITY OF THE AGRI-**
35 **FISHERY COMMODITIES.**

36 **(B) PROFITEERING – REFERS TO SALE OR OFFERING FOR SALE OF ANY**
37 **AGRI-FISHERY COMMODITIES OR TOBACCO AT A PRICE GROSSLY IN**
38 **EXCESS OF ITS FAIR MARKET VALUE.**

39 **THERE SHALL BE *PRIMA FACIE* EVIDENCE OF PROFITEERING**
40 **WHENEVER AGRI-FISHERY COMMODITIES OR TOBACCO BEING SOLD:**
41 **(A) HAS NO PRICE TAG; (B) IS MISREPRESENTED AS TO ITS WEIGHT OR**
42 **MEASUREMENT; (C) IS ADULTERATED OR DILUTED; OR (D)**
43 **WHENEVER ENTITIES RAISE THE PRICE OF THE AGRI-FISHERY**
44 **COMMODITIES OR TOBACCO SOLD OR OFFERED FOR SALE TO THE**

1 GENERAL PUBLIC BY MORE THAN TEN PERCENT (10%) OF ITS PRICE
2 IN THE IMMEDIATELY PRECEDING MONTH.

3 *PROVIDED*, THAT PROFITEERING SHALL NOT APPLY TO PRICE
4 INCREASES IMPOSED BY MANUFACTURERS OF TOBACCO AS A
5 CONSEQUENCE OF MANDATED EXCISE TAX INCREASES IN
6 ACCORDANCE WITH LAW.

7 (C) CARTELIZING – REFERS TO ANY AGREEMENT BETWEEN TWO OR
8 MORE ENTITIES WHICH HAVE THE OBJECT OR EFFECT OF
9 SUBSTANTIALLY PREVENTING, RESTRICTING, OR LESSENING
10 COMPETITION AS DEFINED IN SECTION 14 OF REPUBLIC ACT NO. 10667
11 (PHILIPPINE COMPETITION ACT), OR PROHIBITED CARTEL CONDUCT
12 AS DEFINED UNDER SECTION 5(3) OF REPUBLIC ACT NO. 7581 (PRICE
13 ACT): PROVIDED, THAT AN AGREEMENT HEREIN REFERS TO ANY
14 TYPE OR FORM OF CONTRACT, ARRANGEMENT, UNDERSTANDING,
15 COLLECTIVE RECOMMENDATION, OR CONCERTED ACTION,
16 WHETHER FORMAL OR INFORMAL, EXPLICIT OR TACIT, WRITTEN OR
17 ORAL.

18 THERE SHALL BE *PRIMA FACIE* EVIDENCE OF CARTELIZING
19 WHENEVER TWO (2) OR MORE ENTITIES OPERATING IN THE SAME
20 MARKET AND DEALING IN THE SAME AGRI-FISHERY COMMODITIES
21 OR TOBACCO, OR ENTITIES ANCILLARY TO THE TRANSACTION,
22 PERFORM ACTS IN CONCERT AMONG THEMSELVES WHICH TEND TO
23 BRING ABOUT ARTIFICIAL AND UNREASONABLE INCREASE IN THE
24 PRICE OF AGRI-FISHERY COMMODITIES OR TOBACCO, OR WHEN
25 THEY UNREASONABLY INCREASE PRICES ON THEIR COMPETING
26 PRODUCTS THEREBY LESSENING COMPETITION AMONG
27 THEMSELVES.

28 (D) OTHER ACTS OF MARKET ABUSE – REFER TO THE BEHAVIOR OF
29 ONE OR MORE ENTITIES TO ABUSE THE DOMINANT POSITION BY
30 ENGAGING IN CONDUCT THAT WOULD SUBSTANTIALLY PREVENT,
31 RESTRICT OR LESSEN COMPETITION, SUCH AS BUT NOT LIMITED TO
32 THE ACTS REFERRED TO UNDER SECTION 15 OF REPUBLIC ACT NO.
33 10667, OR ENGAGING IN ANY OF THE PROHIBITED DECEPTIVE, UNFAIR,
34 OR UNCONSCIONABLE SALES ACTS OR PRACTICES, COVERED BY
35 TITLE III, CHAPTER 1 OF REPUBLIC ACT NO. 7394.”

36 SEC. 6. A new Section shall be inserted after Section 3-A to be denominated as Section 3-B
37 and shall read as follows:

38 “SEC. 3-B. *MANDATORY DOCUMENTATION BY ENTITIES.* – ENTITIES
39 INVOLVED WITH AGRI-FISHERY COMMODITIES AND TOBACCO ARE
40 MANDATED TO MAINTAIN RECORDS OF THEIR BUSINESS
41 TRANSACTIONS FROM THE START OF THEIR BUSINESS UNTIL THEIR
42 PRESENT OPERATIONS.

1 ENTITIES WITH WAREHOUSES, COLD STORAGE FACILITIES OR ANY
2 PROPERTY INVOLVED WITH THE STORAGE OF AGRI-FISHERY
3 COMMODITIES AND TOBACCO ARE REQUIRED TO REGISTER WITH
4 THE DEPARTMENT OF AGRICULTURE (DA). THESE ENTITIES ARE
5 FURTHER REQUIRED TO SUBMIT A MONTHLY REPORT TO THE
6 DEPARTMENT OF AGRICULTURE (DA) FOR MONITORING.”

7 SEC. 7. Section 4 of RA No. 10845 is hereby amended to read as follows:

8 “SEC. 4. *Penalties.* – (a) The penalty of life imprisonment and a fine of [~~twice~~] **SIX**
9 **TIMES** the fair MARKET value of the [~~smuggled agricultural product~~] **AGRI-**
10 **FISHERY COMMODITIES OR TOBACCO SUBJECT TO LARGE-SCALE**
11 **SMUGGLING, HOARDING, PROFITEERING, CARTELIZING, AND OTHER**
12 **ACTS OF MARKET ABUSE** and the aggregate amount of the taxes, duties and other
13 charges avoided **PLUS INTEREST AT THE PREVAILING LEGAL RATE** shall be
14 imposed on [~~any person~~] **ENTITIES** who commit[s] any of the acts enumerated under
15 SectionS **3 AND 3-A**, of this Act[.], **EXCEPT OTHERWISE PROVIDED IN THIS**
16 **SECTION.**

17 (b) The penalty of imprisonment of not less than [~~seventeen (17)~~] **THIRTY (30)** years
18 but not more than [~~twenty (20)~~] **FORTY (40)** years, and a fine of [~~twice~~] **SIX TIMES**
19 the fair MARKET value of the [~~smuggled agricultural product~~] **AGRI-FISHERY**
20 **COMMODITIES OR TOBACCO SUBJECT TO LARGE-SCALE**
21 **SMUGGLING, HOARDING, PROFITEERING, CARTELIZING OR OTHER**
22 **ACTS OF MARKET ABUSE** and the aggregate amount of the taxes, duties and other
23 charges avoided **PLUS INTEREST AT THE PREVAILING LEGAL RATE** shall be
24 imposed on [~~the officers of dummy corporations, nongovernment organizations,~~
25 ~~associations, cooperatives, or single proprietorships~~] **ENTITIES** who knowingly sell,
26 lend, lease, assign, consent or allow the unauthorized use of their [~~import permits~~]
27 **IMPORT CLEARANCE DOCUMENTS** for purposes of **LARGE-SCALE**
28 **smuggling, HOARDING, PROFITEERING, CARTELIZING, OR THE OTHER**
29 **ACTS OF MARKET ABUSE.**

30 (c) The penalty of imprisonment of not less than [~~fourteen (14)~~] **TWENTY (20)** years
31 but not more than [~~seventeen (17)~~] **THIRTY (30)** years, and a fine [~~equal to~~] **OF SIX**
32 **TIMES** the fair MARKET value of the [~~smuggled agricultural product~~] **AGRI-**
33 **FISHERY COMMODITIES OR TOBACCO SUBJECT TO LARGE-SCALE**
34 **SMUGGLING, HOARDING, PROFITEERING, CARTELIZING OR OTHER**
35 **ACTS OF MARKET ABUSE** and the aggregate amount of the taxes, duties and other
36 charges avoided **PLUS INTEREST AT THE PREVAILING LEGAL RATE** shall be
37 imposed on the following:

38 (1) The registered owner and its lessee or charterer, in case of lease, of a chartered
39 boat, motorized commercial vessel [~~of more than three (3) gross tonnage~~], who
40 knowingly transports the [~~agricultural product subject to economic sabotage~~]
41 **AGRI-FISHERY COMMODITIES OR TOBACCO SUBJECT TO LARGE-**
42 **SCALE SMUGGLING, HOARDING, PROFITEERING, CARTELIZING**
43 **OR OTHER ACTS OF MARKET ABUSE** [~~regardless of quantity~~];

1 (2) The registered owner and its lessee, in case of lease, of [~~six (6) or more wheeler~~]
2 trucks, vans and other means of transportation, who knowingly transports the
3 [~~agricultural product subject to economic sabotage~~] **AGRI-FISHERY**
4 **COMMODITIES OR TOBACCO SUBJECT TO LARGE-SCALE**
5 **SMUGGLING, HOARDING, PROFITEERING, CARTELIZING OR**
6 **OTHER ACTS OF MARKET ABUSE** [~~regardless of quantity~~];

7 (3) The registered owner and lessee of a warehouse, **COLD STORAGE**
8 **FACILITY**, or any property, who knowingly stores the [~~smuggled agricultural~~
9 ~~product subject to economic sabotage~~] **AGRI-FISHERY COMMODITIES OR**
10 **TOBACCO SUBJECT TO LARGE-SCALE SMUGGLING, HOARDING,**
11 **PROFITEERING, CARTELIZING OR OTHER ACTS OF MARKET**
12 **ABUSE**; or

13 (4) The registered owner, lessee, president or chief executive officer of the private
14 port, fish port, fish landing sites, resorts, and airports who knowingly allow the
15 [~~agricultural product to be smuggled into the country,~~] **ENTRY OF THE AGRI-**
16 **FISHERY COMMODITIES OR TOBACCO SUBJECT TO LARGE-SCALE**
17 **SMUGGLING, HOARDING, PROFITEERING, CARTELIZING OR**
18 **OTHER ACTS OF MARKET ABUSE WITHIN THEIR FACILITIES.**

19 ~~[(d) The penalty of imprisonment of not less than twelve (12) years but not more than~~
20 ~~fourteen (14) years and a fine equal to the fair value of the smuggled agricultural product~~
21 ~~subject to economic sabotage and the aggregate amount of the taxes, duties and other~~
22 ~~charges avoided shall be imposed on the following:~~

23 ~~(1) The registered owner and its lessee or charterer, in case of lease, of a chartered~~
24 ~~boat, motorized commercial vessel of three (3) gross tonnage or less, who~~
25 ~~knowingly transports the agricultural product subject to economic sabotage,~~
26 ~~regardless of quantity; or~~

27 ~~(2) The registered owner and its lessee, in case of lease, of less than six (6) wheeler~~
28 ~~trucks, vans and other means of transportation, who knowingly transports the~~
29 ~~agricultural product subject to economic sabotage, regardless of quantity.]~~

30 **FOR ENTITIES SUCH AS CORPORATIONS, NONGOVERNMENT**
31 **ORGANIZATIONS, ASSOCIATIONS, PARTNERSHIPS, OR**
32 **COOPERATIVES, PENALTIES UNDER THIS ACT SHALL BE IMPOSED ON**
33 **THEIR OFFICERS: PROVIDED, THAT THE PENALTIES IMPOSED UNDER**
34 **THIS ACT SHALL BE CUMULATIVE AND NOT EXCLUSIVE TO THE**
35 **ADMINISTRATIVE PENALTIES UNDER REPUBLIC ACT NO. 10667,**
36 **REPUBLIC ACT NO. 7581, AND REPUBLIC ACT NO. 7394.**

37 In all cases, the [~~smuggled agricultural products~~] **AGRI-FISHERY COMMODITIES**
38 **OR TOBACCO SUBJECT TO LARGE-SCALE SMUGGLING, HOARDING,**
39 **PROFITEERING, CARTELIZING OR OTHER ACTS OF MARKET ABUSE**
40 **shall be confiscated, and the property used in [agricultural smuggling] THESE ACTS,**
41 **[consistent with Section 2530 of the Tariff and Customs Code and without prejudice to**

1 ~~Section 2531 of the same Code]~~ shall be forfeited in favor of the government,
2 **CONSISTENT WITH THE PROVISIONS OF REPUBLIC ACT NO. 10863,**
3 **OTHERWISE KNOWN AS THE CUSTOMS MODERNIZATION AND TARIFF**
4 **ACT (CMTA) AND REPUBLIC ACT NO. 7581, OTHERWISE KNOWN AS THE**
5 **PRICE ACT AS AMENDED: PROVIDED, THAT IN THE EVENT AN ENTITY**
6 **FAILS TO PRODUCE EVIDENCE IN THE CONTRARY WITHIN FIVE (5)**
7 **WORKING DAYS, THE AGRI-FISHERY COMMODITIES OR TOBACCO**
8 **MAY BE SEIZED AND BE SUBJECTED TO FORFEITURE PROCEEDINGS.**

9 ~~[When the offender is a juridical person, criminal liability shall attach to its president,~~
10 ~~chief operating officer or manager who consents to or knowingly tolerates the~~
11 ~~commission of the prohibited crime.]~~

12 X X X

13 If the offender is a ~~[government]~~ **PUBLIC** official or employee, the penalty shall be the
14 maximum as hereinabove prescribed and the offender shall suffer an additional penalty
15 of perpetual **ABSOLUTE** disqualification from public office, to vote and to participate
16 in any public election.”

17 SEC. 8. Section 5 of RA No. 10845 is hereby amended to read as follows:

18 “SEC. 5. *Presumption of [Agricultural] LARGE-SCALE AGRI-FISHERY*
19 *COMMODITIES AND TOBACCO Smuggling, HOARDING, PROFITEERING,*
20 *CARTELIZING, OR OTHER ACTS OF MARKET ABUSE.* – Mere possession of ~~[rice~~
21 ~~or]~~ any ~~[agricultural product under]~~ **AGRI-FISHERY COMMODITY OR**
22 **TOBACCO COVERED BY** this Act, which has been the subject of **LARGE-SCALE**
23 **smuggling, HOARDING, PROFITEERING, CARTELIZING, OR OTHER ACTS**
24 **OF MARKET ABUSE** ~~[entered into the Philippines other than the BOC-controlled ports~~
25 ~~or without the necessary permits]~~ shall be prima facie evidence of **LARGE-SCALE**
26 **smuggling, HOARDING, PROFITEERING, CARTELIZING, OR OTHER ACTS**
27 **OF MARKET ABUSE.**

28 **ANY PUBLIC OFFICER OR EMPLOYEE WHOSE NAME, INITIALS OR**
29 **SIGNATURE, WHETHER WET, DIGITAL, OR ELECTRONIC, APPEARS ON**
30 **THE IMPORT DOCUMENTS, CUSTOMS CLEARANCES, OR OTHER**
31 **DOCUMENTS, OR WHOSE OFFICE IS PRIMARILY RESPONSIBLE FOR**
32 **THE RELEASE OF THE AGRI-FISHERY COMMODITIES OR TOBACCO,**
33 **USED IN THE COMMISSION OF THE CRIMES UNDER THIS ACT SHALL**
34 **CONSTITUTE *PRIMA FACIE* EVIDENCE OF PARTICIPATING IN LARGE-**
35 **SCALE SMUGGLING, HOARDING, PROFITEERING, CARTELIZING, OR**
36 **OTHER ACTS OF MARKET ABUSE.”**

37 SEC. 9. A new section, to be denominated as Section 5-A shall be inserted after Section 5 of
38 RA No. 10845 to read as follows:

39 “**SEC. 5-A. ANTI AGRI-FISHERY COMMODITIES AND TOBACCO ECONOMIC**
40 **SABOTAGE COUNCIL.** – **THERE IS HEREBY ESTABLISHED AN ANTI AGRI-**
41 **FISHERY COMMODITIES AND TOBACCO ECONOMIC SABOTAGE**
42 **COUNCIL, HEREIN REFERRED TO AS “COUNCIL” SHALL BE UNDER**

1 THE OFFICE OF THE PRESIDENT, WITH THE PRESIDENT OR HIS DULY
2 APPOINTED PERMANENT REPRESENTATIVE AS THE CHAIRPERSON.
3 THE COUNCIL SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

4 (1) SECRETARY OF THE DEPARTMENT OF FINANCE (DOF);

5 (2) SECRETARY OF THE DEPARTMENT OF AGRICULTURE (DA);

6 (3) SECRETARY OF THE DEPARTMENT OF TRADE AND INDUSTRY (DTI);

7 (4) SECRETARY OF THE DEPARTMENT OF INTERIOR AND LOCAL
8 GOVERNMENT (DILG);

9 (5) SECRETARY OF THE DEPARTMENT OF JUSTICE (DOJ);

10 (6) CHAIRPERSON OF THE PHILIPPINE COMPETITION COMMISSION
11 (PCC); AND

12 (7) THREE (3) REPRESENTATIVES FROM THE PRIVATE SECTOR
13 WHOSE MEMBERSHIP SHALL BE NATIONWIDE, CHOSEN BY THE
14 PRESIDENT OF THE REPUBLIC, FROM THE NOMINEES OF THE
15 FOLLOWING SECTORS: RICE, SUGAR, CORN, LIVESTOCK, POULTRY,
16 ONION, VEGETABLES, FRUITS, FISHERIES, OTHER AQUATIC
17 PRODUCTS, AND TOBACCO: *PROVIDED*, THAT THE SECTOR
18 REPRESENTATIVES SHALL SERVE FOR A FIXED TERM OF THREE (3)
19 YEARS, UNLESS EARLIER REPLACED BY THE PRESIDENT UPON
20 RECOMMENDATION OF THE COUNCIL.

21 THE MEMBERS OF THE COUNCIL SHALL DESIGNATE THEIR
22 RESPECTIVE PERMANENT ALTERNATES WHO SHALL BE THE
23 NEXT-IN-RANK OFFICIALS WHOSE ACTS SHALL BE CONSIDERED AS
24 THE ACTS OF THEIR PRINCIPALS.

25 THE COUNCIL MAY SEEK THE ASSISTANCE, ADVICE, AND
26 EXPERTISE OF OTHER CONCERNED GOVERNMENT AGENCIES AND
27 OTHER STAKEHOLDERS IN THE FORMULATION OF POLICIES AND
28 PROGRAMS TO ENSURE THE EFFICIENCY AND EFFECTIVENESS OF THE
29 MEASURES BEING UNDERTAKEN TO COMBAT LARGE-SCALE
30 SMUGGLING, HOARDING, PROFITEERING, CARTELIZING, OR OTHER
31 ACTS OF MARKET ABUSE.

32 THE DA SHALL PROVIDE THE NECESSARY TECHNICAL AND
33 ADMINISTRATIVE SUPPORT/SECRETARIAT SERVICES TO THE
34 COUNCIL AND SHALL CREATE A COMPOSITE TEAM AMONG THE
35 ORGANIC PERSONNEL OF THE OFFICES/UNITS CONCERNED, TO BE
36 AUGMENTED BY THE MEMBER AGENCIES, THROUGH DETAIL OR
37 SECONDMENT.

1 **THE SECRETARY OF AGRICULTURE MAY ALSO PROVIDE**
2 **ADDITIONAL PLANTILLA POSITIONS SUBJECT TO THE EVALUATION**
3 **AND APPROVAL OF THE DEPARTMENT OF BUDGET AND**
4 **MANAGEMENT AND IN COMPLIANCE WITH THE CIVIL SERVICE LAWS,**
5 **RULES, AND REGULATIONS.”**

6 SEC. 10. A new section, to be denominated as Section 5-B, shall be inserted after Section 5-A
7 of RA No. 10845, to read as follows:

8 **“SEC. 5-B. POWERS AND FUNCTIONS OF THE COUNCIL. – THE COUNCIL**
9 **SHALL HAVE THE FOLLOWING POWERS AND FUNCTIONS:**

10 **(1) TO ADOPT APPROPRIATE AND EFFECTIVE MEASURES TO PREVENT**
11 **VIOLATIONS OF THIS ACT AND RECOMMEND AMENDMENTS TO THE**
12 **IMPLEMENTING RULES AND REGULATIONS OF THIS ACT;**

13 **(2) TO OVERSEE THE CONDUCT OF THE TASK FORCE, INCLUDING THE**
14 **MONITORING OF SITUATIONS, CIRCUMSTANCES, ACTIVITIES OF**
15 **ENTITIES WHO ARE INVOLVED OR WHO ARE REASONABLY BELIEVED**
16 **TO BE INVOLVED IN VIOLATION OF THIS ACT;**

17 **(3) TO CAUSE OR DIRECT THE IMMEDIATE INVESTIGATION AND**
18 **RECOMMEND THE INSTITUTION OF CASES INVOLVING VIOLATIONS**
19 **OF THIS ACT, AND MONITOR THE PROGRESS OF SUCH CASES; AND**

20 **(4) TO PERFORM SUCH FUNCTIONS AND CARRY OUT SUCH ACTIVITIES**
21 **AS MAY BE DIRECTED BY THE PRESIDENT.**

22 **TO THIS END, THE COUNCIL SHALL REGULARLY MEET AT**
23 **LEAST ONCE EVERY QUARTER, OR AS OFTEN AS THE**
24 **CHAIRPERSON DEEMS NECESSARY. THE PRESENCE OF THE**
25 **MAJORITY OF ALL THE MEMBERS OF THE COUNCIL SHALL**
26 **CONSTITUTE A QUORUM.”**

27 SEC. 11. A new section, to be denominated as Section 5-C, shall be inserted after Section 5-B
28 of RA No. 10845, to read as follows:

29 **“SEC. 5-C. ANTI AGRI-FISHERY COMMODITIES AND TOBACCO ECONOMIC**
30 **SABOTAGE TASK FORCE. – THE OFFICE OF THE PRESIDENT THROUGH**
31 **THE COUNCIL MAY CREATE AN ANTI AGRI-FISHERY COMMODITIES**
32 **AND TOBACCO ECONOMIC SABOTAGE TASK FORCE, WHICH SHALL**
33 **BE UNDER THE CONTROL AND SUPERVISION OF THE COUNCIL,**
34 **THE MEMBERS OF THE TASK FORCE SHALL BE APPOINTED BY**
35 **THE COUNCIL.”**

1 SEC. 12. A new section, to be denominated as Section 5-D, shall be inserted after Section 5-C
2 of RA No. 10845, to read as follows:

3 **“SEC. 5-D. CONGRESSIONAL OVERSIGHT COMMITTEE. – THERE IS**
4 **HEREBY ESTABLISHED A CONGRESSIONAL OVERSIGHT COMMITTEE**
5 **ON THE ANTI AGRI-FISHERY COMMODITIES AND TOBACCO**
6 **ECONOMIC SABOTAGE COMPOSED OF SEVEN (7) MEMBERS FROM THE**
7 **HOUSE OF REPRESENTATIVES AND SEVEN (7) MEMBERS FROM THE**
8 **SENATE, WITH THE CHAIRPERSONS OF THE COMMITTEE ON**
9 **AGRICULTURE AND FOOD OF EACH CHAMBER AS JOINT**
10 **CHAIRPERSONS. THE SIX (6) OTHER MEMBERS FROM THE HOUSE OF**
11 **REPRESENTATIVES SHALL BE COMPOSED OF THREE (3) FROM THE**
12 **COMMITTEE ON AGRICULTURE AND FOOD, AND THREE (3) FROM THE**
13 **COMMITTEE ON WAYS AND MEANS, WHILE THE SIX (6) OTHER**
14 **MEMBERS FROM THE SENATE SHALL BE COMPOSED OF THREE (3)**
15 **FROM THE COMMITTEE ON AGRICULTURE AND FOOD, AND THREE (3)**
16 **FROM THE COMMITTEE ON FINANCE, TO BE DESIGNATED**
17 **RESPECTIVELY BY THE SPEAKER OF THE HOUSE AND THE PRESIDENT**
18 **OF THE SENATE.**

19 **WITHIN SIX (6) MONTHS FROM THE EFFECTIVITY OF THIS ACT AND**
20 **EVERY CONGRESS THEREAFTER, A MANDATORY REVIEW SHALL BE**
21 **CONDUCTED BY THE CONGRESSIONAL OVERSIGHT COMMITTEE TO**
22 **EVALUATE THE IMPLEMENTATION OF THE ACT.”**

23 SEC. 13. A new section, to be denominated as Section 5-E, shall be inserted after Section 5-D
24 of RA No. 10845, to read as follows:

25 **“SEC. 5-E. INSTITUTION AND PROSECUTION OF CRIMINAL**
26 **PROCEEDINGS. – ANY CRIMINAL ACTION ARISING FROM THE**
27 **VIOLATION OF THIS ACT SHALL BE INSTITUTED BY ANY OF THE**
28 **FOLLOWING AGENCIES: THE BUREAU OF CUSTOMS (BOC), THE**
29 **NATIONAL BUREAU OF INVESTIGATION (NBI), THE DEPARTMENT OF**
30 **TRADE AND INDUSTRY (DTI), THE DEPARTMENT OF AGRICULTURE**
31 **(DA), OR THE PHILIPPINE COMPETITION COMMISSION (PCC).**

32 **CRIMINAL ACTIONS AND PROCEEDINGS INSTITUTED UNDER THIS**
33 **ACT SHALL BE BROUGHT IN THE NAME OF THE GOVERNMENT OF THE**
34 **PHILIPPINES AND SHALL BE PROSECUTED AND HANDLED BY THE**
35 **DEPARTMENT OF JUSTICE (DOJ) WITH THE ASSISTANCE OF THE**
36 **INSTITUTING AGENCY: PROVIDED, THAT NOTHING IN THIS ACT**
37 **SHALL BE CONSTRUED OR INTERPRETED AS DIMINISHING THE**
38 **JURISDICTION OF THE IMPLEMENTING AGENCIES UNDER REPUBLIC**
39 **ACT NO. 10667, REPUBLIC ACT NO. 7581, AND REPUBLIC ACT NO. 7394**
40 **TO CONDUCT INQUIRY, INVESTIGATE, AND HEAR AND DECIDE ON**
41 **CASES INVOLVING ANY VIOLATION OF THE PHILIPPINE**
42 **COMPETITION ACT, THE PRICE ACT AND THE CONSUMER ACT OF THE**
43 **PHILIPPINES, AND INSTITUTE THE APPROPRIATE CIVIL OR CRIMINAL**
44 **PROCEEDINGS.”**

1 SEC. 14. A new section, to be denominated as Section 5-F, shall be inserted after Section 5-E
2 of RA No. 10845, to read as follows:

3 **“SEC. 5-F. SPECIAL TEAM OF PROSECUTORS. – A SPECIAL TEAM OF**
4 **PROSECUTORS FROM THE DEPARTMENT OF JUSTICE (DOJ) SHALL BE**
5 **ASSIGNED FOR THE EXPEDITIOUS PROSECUTION OF CRIMINAL CASES**
6 **COVERED UNDER THIS LAW.”**

7 SEC. 15. Section 7 of RA No. 10845 is hereby amended to read as follows:

8 “SEC. [7]6. *Prescription of Crimes.* – The crimeS punishable under this Act shall
9 prescribe in twenty (20) years.

10 **THE PERIOD OF PRESCRIPTION SHALL COMMENCE FROM THE DAY**
11 **ON WHICH THE CRIME IS DISCOVERED BY THE OFFENDED PARTY,**
12 **THE AUTHORITIES, OR THEIR AGENTS, AND SHALL BE INTERRUPTED**
13 **BY THE FILING OF THE INFORMATION, AND SHALL COMMENCE**
14 **AGAIN WHEN SUCH PROCEEDINGS TERMINATE WITHOUT THE**
15 **ACCUSED BEING CONVICTED OR ACQUITTED, OR WHEN SUCH**
16 **PROCEEDINGS ARE UNJUSTIFIABLY STOPPED FOR ANY REASON NOT**
17 **IMPUTABLE TO THE ACCUSED.”**

18 SEC. 16. Section 6 of RA No. 10845 is hereby amended to read as follows:

19 “SEC. [6]7. *Implementing Rules and Regulations.* – The [~~BOC,~~] **DEPARTMENT OF**
20 **FINANCE (DOF), THE DEPARTMENT OF AGRICULTURE (DA), THE**
21 **DEPARTMENT OF TRADE AND INDUSTRY (DTI), AND THE**
22 **DEPARTMENT OF JUSTICE (DOJ),** in consultation with concerned agencies **AND**
23 **STAKEHOLDERS,** shall promulgate the implementing rules and regulations of this
24 Act within [~~thirty (30)] **SIXTY (60)** days upon its effectivity.”~~

25 SEC. 17. *Separability Clause.* – If any portion of this Act is declared unconstitutional or
26 invalid, the portions or provisions which are not affected shall continue to be in full force
27 and effect.

28 SEC. 18. *Repealing Clause.* – All laws, decrees, executive issuances, rules and regulations,
29 **OR ANY PART THEREOF** inconsistent with this Act are hereby repealed and/or
30 modified accordingly.

31 SEC. 19. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its
32 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,