

[REPUBLIC ACT NO. 4713, June 18, 1966]

AN ACT AMENDING CERTAIN SECTIONS OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED SIXTY-SIX, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE.

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

SECTION 1. Section one hundred seventy-four of Commonwealth Act Numbered Four hundred sixty-six, otherwise known as the National Internal Revenue Code, is hereby further amended to read as follows:

"SEC. 174. *Unlawful possession or removal of articles subject to specific tax without payment of tax.*—Any person who owns and/or is found in possession of imported articles subject to specific tax, the tax on which had not been paid in accordance with law or any person who owns and/or is found in possession of imported tax exempt articles other than those to whom they are legally issued shall be punished by:

"1. A fine of not less than fifty pesos nor more than two hundred pesos and imprisonment of not less than five days nor more than thirty days, if the appraised value, to be determined in the manner prescribed in the Tariff and Customs Code, including duties and taxes, of the article does not exceed five hundred pesos.

"2. A fine of not less than six hundred pesos nor more than thousand pesos and imprisonment of not less than six months and one day nor more than four years, if the appraised value, to be determined in the manner in the Tariff and Customs Code, including duties and taxes, of the article exceeds five hundred pesos but does not exceed fifty thousand pesos.

"3. A fine of not less than five thousand pesos nor m than eight thousand pesos and imprisonment of not less than four years and one day nor more than eight years if the appraised value to be determined in the manner prescribed in the Tariff and Customs Code, including duties and taxes, of the article is more than fifty thousand pesos but does not exceed one hundred fifty thousand pesos.

"4. A fine of not less than eight thousand pesos nor more than ten thousand pesos and imprisonment of not less than eight years and one day nor more than twelve years, if the appraised value, to be determined in the manner prescribed in the Tariff and Customs Code, including duties and taxes, of the article exceeds one hundred fifty thousand pesos.

"In applying the above scale of penalties, if the offender is an alien, he shall be deported after serving the sentence without further proceedings for deportation. If the offender is a government official or employee, the penalty shall be the maximum as hereinabove prescribed and, the offender shall suffer an additional penalty of perpetual disqualification for public office, to vote and to participate in any election.

"Any person who is found in possession of locally manufactured articles subject to specific tax, the tax on which has not been paid in accordance with law, or any person who is found in possession of such articles which are exempt from specific tax other than those to whom the same is lawfully issued shall be punished with a fine of not less than ten times the amount of the specific tax due on the articles found but not less than two hundred pesos nor more than five thousand pesos and imprisonment from four months and one day to four years and months. Any manufacturer, owner, or person in charge of any article subject to a specific tax who removed allows or procures the unlawful removal of any such article from the place of manufacture or bonded warehouse, upon which article the specific tax has not been paid in the time and manner required, and any person who knowingly aids or abets in the removal of such articles as aforesaid, or conceals the same after illegal removal shall for the first offense be punished with a fine of not less than ten times the amount of the specific tax due on the articles, but not less than five hundred pesos nor more than ten thousand pesos and imprisonment of not less than six months and one day but not more than six years.

"Every manufacturer so offending shall, before continuing or resuming business, execute a bond in double the amount of his original bond and containing the same conditions.

"The mere unexplained possession of articles subject to specific tax, the tax on which has not been paid in accordance with law, shall be punished under this section: *Provided, however,* That payment of the tax due after apprehension shall not constitute a valid defense in any prosecution for violation of this section.

"Any ordinance that provides a different penalty for acts punishable under this section is hereby repealed."

SEC. 2. Section one hundred seventy-five of the same Code, as amended, is hereby further amended to read as follows:

"SEC. 175. *Punishment for subsequent offenses.*—In case of reincidence, the penalty to be imposed for unlawful possession of imported articles shall be the maximum of the penalty prescribed under the first paragraph of Section one hundred seventy-four for the offense constituting the reincidence, and the penalty to be imposed for unlawful possession of locally manufactured articles shall be a fine of not less than ten times the amount of the specific tax due on articles possessed but not less than two hundred pesos nor more than five thousand pesos and by imprisonment for not less than six months and one day but not more