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Customs Brokers

COMPLIANCE BEYOND BORDERS

CUSTOMS GAZETTE

Updates on Customs-Related Matters

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In view of the enactment of RA No. 11494 on 11 September 2020, which granted the President powers and authorities necessary to carry out urgent measures to meet the COVID-19 national health emergency, the government again has greater means to supplement, expand, improve, and intensify existing COVID-19 responses and recovery measures, and to further mitigate the social, economic, and financial impact of COVID-19 on all Filipinos.

RA No. 11494 grants government agencies a wide array of measures not only to continue and enhance its efforts against COVID-19, but also in support of measures to accelerate recovery and bolster the resiliency of our economy. Thus, the whole of government must continue to work together towards the following objectives: reduce the adverse impact of COVID-19; provide socio-economic relief; sustain efforts to tests trace, isolate, and treat COVID-19 cases to mitigate the transmission of COVID-19 and prevent further loss of lives; enhance the capacity of our health care system; mitigate the economic cost and losses stemming from COVID-19; restore public trust and confidence on social and economic institutions; accelerate the recovery and bolster resilience of our economy; accommodate alternative modes of transportation to address health, environment, and traffic concerns; promote and protect the collective interest of Filipinos; optimize the use of science, technology, and all innovation in response measures; incorporate the use of scientific research and technological expertise in the policy-making process; and enhance the financial stability of the country to support government COVID-19.

As such, President Rodrigo Duterte hereby authorizes the following officials to do the following acts:

- The Secretary of the Department of Health (DOH), to implement the following:
 - Following the World Health Organization guidelines or the United States Centers for Disease Control and Prevention and best practices, adopt and implement measures to prevent or suppress further transmission and spread of COVID9 through effective education: detection, protection, and treatment. He may consult the Presidential Communications Operations Office, the Department of the

Interior and Local Government (DILG), the Department of Information and Communications Technology (DICT); the National Privacy Commission (NPC), and other government agencies and stakeholders as he deems fit to craft the details of or implement the measures;

- In coordination with the DILG Secretary, identify areas as epicenters of COVID-19 infection and other areas where higher possibility of transmission of COVID-19 may occur or have occurred, and ensure that the percentage of population that will undergo COVID-19 testing will be in accordance with the WHO standards and global benchmark;
- Through the Inter-Agency Task Force on the Management of Emerging Infectious Diseases (IATF-EID), and in coordination with the DILG Secretary, adopt a COVtD-19 disease surveillance protocol that shall define minimum health standards for workplaces and business activities which shall include COVID-19 testing and the establishment of a contact tracing system;
- Implement an expedited and streamlined registration process of viral testing kits that diagnose Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV-2), such as polymerase chain reaction: nucleic acid; antigen, and other COVID-19 testing kits recommended by the Health Technology Assessment Council (HTAC), and facilitate prompt testing by public and designated private institutions of suspected and probable COVID-19 cases and other eligible persons or at-risk individuals as may be identified by the DOH, and the compulsory and immediate isolation and treatment of confirmed; suspected, and probable patients;
- Through the IATF-EID, and in cooperation with the DILG the Department of Labor and Employment (DOLE), the Department of Trade and Industry (DTI), and the Bureau of Immigration (BI), adopt a protocol on the conduct of viral testing and other COVID-19 testing kits recommended by the HTAC and ensure the following:
 - Adequate number of COVID-19 testing centers that provide available, affordable, and accessible testing to the public, subject to reimbursement by the Philippine Health Insurance Corporation (PhilHealth) under existing guidelines; and
 - Hiring of skilled medical technologists, molecular biologists, epidemiologists, and other skilled laboratory technicians to conduct COVID-19 testing to achieve an ideal personnel-to-laboratory ratio;

- Ensure that the procurement and distribution of supplies for viral testing and other COVID-19 testing kits shall be based on, among others, the current levels and projections of the following:
 - Number of patients and health workers with severe or critical symptoms and history of travel or exposure; and
 - Number of patients and health workers with mild symptoms, relevant history of travel or exposure and considered vulnerable and workers returning to work;
- Ensure the delivery of uninterrupted immunization program against vaccine-preventable diseases especially on children including vaccine for COVID-19;
- Adopt a uniform and consistent reporting standard in a language understandable by the general public;
- In coordination with the Secretary of the Department of Budget and Management (DBM), provide a "COVID-19 special risk allowance," to all public and private health workers directly catering to or in contact with COVID-19 patients for every month that they are serving during the state of national emergency as declared by the President, which COVID-19 special risk allowance shall be exempt from income tax and is in addition to the hazard pay granted under the Magna Carta of Public Health Workers or RA No. 7305;
- Formulate and implement guidelines to ensure the mandatory COVID-19 testing of public and private health workers every fifteen (15) days to ensure their protection;
- Ensure the assumption of all medical expenses of public and private health workers in case of exposure to COVID-19 or any work-related injury or disease for the duration of the state of national emergency, with the assistance of the PhilHealth, the DBM, and the DOLE;
- Formulate and implement guidelines to provide compensation to public and private health workers who have contracted COVID-19 in the line of duty, in accordance with the provisions of RA No. 11494 and in coordination with the DBM for budget related concerns in the implementation hereof;
- In coordination with the relevant agencies such as the DBM, the DOLE, the Department of Tourism (DOT), the Government Service Insurance System (GSIS), and the Social Security System (SSS), formulate and implement guidelines to provide life insurance, accommodation, transportation, and meals to all public and private health workers during the state of national emergency, regardless of the community quarantine (CQ) status;

- Provide personal protective equipment (PPE) including but not limited to, protective facemasks, shoe covers, face shields, and goggles to public and private COVID-19 referral hospitals, both national and local, barangays and other indigent persons that need protection from the spread of COVID-19;
- In allocating and distributing goods, supplies, and other resources procured, he shall prioritize the following:
 - Public health facilities in the regions, provinces, or cities, that are designated as COVID-19 referral hospitals, such as but not limited to the Philippine General Hospital (PCB); Lung Center of the Philippines, and Dr. Jose N. Rodriguez Memorial Hospital;
 - Private hospitals which have existing capacities to provide support care and treatment to COVID-19 patients; and
 - Public and private laboratories that have existing capacities to test suspected COVID-19 patients;
- Engage temporary Human Resources for Health (HRH) such as medical and (lied medical staff to complement or supplement the current health workforce r to man the temporary medical facilities, and promulgate implementing guidelines. For this purpose, he may coordinate with the DBM;
- Promulgate implementing guidelines on the enforcement of bed capacity allocation of government and private hospitals dedicated for COVID-19 response pursuant to Section 4 (xxx) of RA No. 11494;
- Issue procedures and guidelines on the establishment of private isolation and quarantine facilities created for the employees of private enterprises who are affected with COVID-19 which comply with the DOH and the WHO public health and safety standards;
- In consultation with the NRC, the DICT, and the DILG, immediately create and adopt a national online electronic application system accessible to everyone every LGU to provide contact tracing capacity, scheduled transport capability, and information necessary to enable the government to do effective contact tracing of all individuals in each locality;
- In coordination with the Department of Public Works and Highways (DPWH) and the DILG, facilitate the construction of temporary medical isolation and quarantine facilities, field hospitals, dormitories, and expansion of capacities of public hospitals;

- Establish and jointly develop with the Philippine Red Cross (PRC) a COVID-19 National Referral System to act as a nationwide directory to facilitate efficient provision of health services and facilities that include hospitals, clinics, quarantine centers, blood banks, and ambulance systems; and
- Notwithstanding any law to the contrary, to waive the requirement of Phase IV trial for COVID-19 medication and vaccine stipulated in the Universal Healthcare Law to expedite its procurement and distribution taking into consideration the minimum standards for the distribution of the said medication and vaccine which shall be determined by the Food and Drug Administration (FDA) and the HTAC, as may be applicable.
- The Secretary of the Department of Social Welfare and Development (DSWD), to implement the following:
 - Formulate and implement guidelines to provide an emergency subsidy in the amount of Five Thousand Pesos (PhP 5,000.00) to Eight Thousand Pesos PhP 8,000.00) to affected low-income households in areas under granular lockdowns and to households with recently returned Overseas Filipino Workers (OFWs) computed based on the prevailing regional minimum wage rates, taking into consideration the subsidy received from the current Conditional Cash Transfer Program and rice subsidy;
 - Formulate and implement guidelines to provide emergency subsidy to low income households who are qualified but were not granted such subsidy under Section 4 (c) of RA No. 11469;
 - Expedite the distribution of the Social Amelioration Program (SAP) and undertake measures to simplify the vetting and validation of beneficiaries and the liquidation thereof. He shall also prepare the definite and actual list of the beneficiaries of SAP to be submitted to Congress;
 - Formulate and implement an expanded and enhanced Pantawid Pamilyang Pilipino Program (4Ps), responsive to the need posed by the crisis, and provision of an assistance program: whether in cash or non-cash, whichever more practicable, where he or the DOLE Secretary when relevant, shall transfer cash, cash voucher, or goods through the LGUs or directly to households who have no income or savings to draw from, including households working in the informal economy and those who are not currently recipients of the current 4Ps, of an amount adequate to restore capacity to purchase basic food and other essential items during the duration of the

- quarantine. To carry out this subsection, he may approve the temporary emergency standards of eligibility and level of benefits, in coordination with the DOLE Secretary; and
- Enter into Memorandum of Agreement with LGUs for the transfer of funds to e said LGUs allowing the latter to facilitate the distribution of the Social Pension for indigent Senior Citizens, Assistance to Individuals in Crisis Situation (AICS), and food and non-food items.
 - The Secretary of the DMB, to implement the following:
 - Along with the Bureau of the Treasury (BTr), release any adjusted or remaining shares of LGUs in national wealth and National Tax Allotment (NTA) pursuant to Section 286 of RA No. 7160 or the Local Government Code of 1991;
 - Release, subject to compliance with relevant laws, rules, and regulations, the appropriated amount of Three Billion Five Hundred Million Pesos (PhP 3,500,000,000.00) allocated as follows: One Billion Five Hundred Million Pesos (PhP 1,500,000,000.00) for the Local Government Support Fund to the GUS as financial assistance in their local anti-COVID efforts and the amount of One Billion Pesos (PhP 1,000,000,000.00) each to the Land Bank of the Philippines (LBP) and the Development Bank of the Philippines (DBP) to subsidize the payment of interest on new and existing loans secured by LGUs from GFIs;
 - Notwithstanding any law to the contrary, direct the discontinuance of appropriated programs, activities or projects (P/A/Ps) of any agency of the Executive Department, including GOCCs, in the FYs 2019 and 2020 General Appropriations Act (GAA), whether released or unreleased, the allotments for which remain unobligated, and utilize the savings generated therefrom to augment the allocation for any item needed to address the COVID-19 pandemic and may be revived at any time after the COVID-19 pandemic has eased. The P/A/Ps that may be discontinued shall include discretionary foreign travel, representation, mass events, and those identified by government agencies prior to the effectivity of RA No. 11494. The following items in the budget shall be prioritized for augmentation:
 - Operational budgets of government hospitals, temporary treatment, isolation, quarantine and monitoring facilities, primarily those identified for treatment of COVID-19, prevention and control of other infectious diseases, emergency preparedness and response, and Quick Response Fund;

- Operational budget of the PGH;
 - The National Disaster Risk Reduction and Management Fund or Calamity Fund; Programs of the DOLE such as but not limited to: COVID-19 Adjustment Measures Program (CAMP): Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD), and the DOLE Abot Kamay Ang Pagtulong (AKAP) for OFWs;
 - Livelihood Seeding Program and Negosyo Serbisyo sa Barangay;
 - Rice Farmers Financial Assistance Program;
 - School-Based Feeding Program, digital education, digital infrastructure, support to alternative learning modalities, and printing and delivery of self-learning modules;
 - AICS, distribution of food and non-food items, livelihood assistance grants, and supplemental feeding program for daycare children;
 - Local Infrastructure Program (LIP); and
 - Allocations of LGUs.
- Consider any un-utilized or unreleased balance in special purpose funds (SPFs) of national government agencies, excluding GOCCs, as of the date of declaration of a state of national emergency, as having their purpose abandoned for the duration of the state of national emergency. All such unspent, unutilized or unreleased money or funds sourced from said SPFs shall be utilized for such measures to address the COVID-19 situation as may be determined upon consultation with the IATF-EID, to accomplish the declared national policy under RA No 11494;
 - Notwithstanding any law to the contrary end in consultation with the IATF-EID, reprogram, reallocate, and realign from savings on other items of appropriations in the FY 2020 GAA of national government agencies in the Executive Department, as may be necessary and beneficial to fund measures at address and respond to the COVID-19 situation, including social amelioration for affected communities, and the recovery of areas, sectors and industries severely affected;
 - Notwithstanding any law to the contrary, allocate cash, funds, and vestments: including unutilized or unreleased subsidies and transfers, held by any national government agency in order to address the COVID-19 pandemic;
 - Notwithstanding any law to the contrary realign and reprogram funds from P/A/Ps which cannot be utilized effectively as a result of the COVID-19 Outbreak, whether released or unreleased, the allotments for which remain

unobligated and utilize the savings generated therefrom to fund the following priority programs:

- Purchase of PPEs for health workers and other frontliners;
 - Establishment of isolation and treatment facilities;
 - Construction of field hospitals;
 - Hiring and provision of benefits for health workers and providing for their allowances;
 - Testing for COVID-19; and
 - Subsidy for COVID-19 positive patients admitted to isolation centers;
- Notwithstanding any law to the contrary, direct the discontinuance of unutilized automatic appropriations for debt service and available appropriations for redemption of maturing government securities and use the savings generated therefrom to augment the allocation for any item necessary for the purposes identified in RA No. 11494; and
 - Realign unused funds of the Department of Education (DepEd) from its 2020 "New School Personnel Positions" and "Basic Education Facilities" appropriations to the Maintenance and Other Operating Expenses (MOOE) for "Operations of Schools – Elementary, Junior, and Senior High School" under its "Support to Schools and Learners Program" for the hiring of teacher-assistants and production or reproduction of modular learning materials for K-12.
- The Secretary of the Department of Finance, to do the following actions:
 - To promulgate rules and guidelines and to direct all government agencies and OCCs, including the LBP, on the provision of financial relief and credit programs for the benefit of Agrarian Reform Beneficiaries, Micro, Small, and Medium Enterprises (MSMEs), cooperatives, self-employed, institutions of learning, productive sectors, and other critically affected industries or sectors s provided under RA No. 11494. In partnership with the Bangko Sentral ng Pilipinas (BSP), he shall ensure availability of credit to productive sectors of the economy especially in the countryside through measures such as, but not limited to, lowering the effective lending rates of interest and reserve requirements of lending institutions. He shall direct GFIs to prioritize in their lending and credit line operations, hospitals and health care institutions with cashflow or liquidity issues during the state of national emergency;

- Consider any unutilized or unreleased balance in SPFs of GOCCs, as of the Date of declaration of a state of national emergency, as having their purpose abandoned for the duration of the state of national emergency. All such unspent, unutilized or unreleased money or funds sourced from said SPFs shall be utilized for such measures to address the COVID-19 situation upon Consultation with the IATF-EID to accomplish the declared national policy under RA No. 11494;
- Notwithstanding any law to the contrary, allocate cash funds, and investments, including unutilized or unreleased subsidies and transfers, held by any GOCC in order to address the COVID-19
- Move statutory deadlines and timelines for the filing and submission of any document, the payment of taxes, fees, and other charges required by law, and the grant of any benefit, in order to ease the burden on individuals under CQ; pandemic;
- Implement the one-time sixty (60)-day grace period for the payment of all existing, current and outstanding loans falling due, or any part thereof, on or before 31 December 2020 and issuing rules and regulations for the implementation thereof as provided in Section 4 (uu) of RA No. 11494;
- Direct all institutions providing electric, water, telecommunications, and other similar utilities to implement a minimum of thirty grace period for the payment of utilities falling due within the period of Enhanced CQ or Modified Enhanced CQ without incurring interests, penalties, and other charges, in accordance with and subject to Section 4 (vv) of RA No. 11494;
- Create and chair the committee with the Secretaries of the DTI and the Department of Environment and Natural Resources (DENR) as members, and the DOF as secretariat to identify the projects that shall be granted the regulatory relief and the specific permits, licenses, certificates, clearances, consents, authorizations, or resolutions that shall be waived in accordance with Section 4 (nnn) of RA No. 11494, and issue rules and regulations for its implementation; and
- To issue rules and regulations on the implementation of Section 4 (ttt) of RA No. 11494 relative to the abandonment of unutilized or unreleased balance and utilization of the Municipal Development Fund.

- The Secretary of the DTI, to do the following actions:
 - Continue to enforce measures to protect the people from hoarding, profiteering, injurious manipulation of prices, product deceptions, and cartels, monopolies other combinations in restraint of trade, or other pernicious practices affecting the supply, distribution and movement of food, clothing, hygiene and sanitation products, medicine and medical supplies, fuel, fertilizers, chemicals, building materials, implements, machinery, equipment and spare parts required in agriculture, industry and other essential services, and other articles of prime necessity whether imported or locally produced or manufactured, in coordination with the Department of Agriculture (DA), the DOH, and the Department of Energy (DOE), in matters falling within their respective jurisdictions, and call on the DILG and the Philippine National Police (PNP), and other law enforcement agencies for assistance;
 - Pursuant to rules promulgated by the DOF, liberalize the grant of incentives for the manufacture or importation of critical or needed equipment or supplies for the carrying-out of the policy declared under RA No. 11494, observing the safeguards provided under Section 4 (cc) of said law;
 - Impose limitations and restrictions as may be warranted, on the sale, distribution, and trade of the foregoing goods, equipment or supplies to prevent shortage of supply and to ensure that the prices thereof remain reasonable, giving priority and preference to the needs and safety of health workers and frontliners;
 - In coordination with the DOH and the DA, ensure the availability of essential goods, in particular, food and medicine, by adopting measures as may reasonably be necessary to facilitate and/or minimize disruption to the supply chain, including measures to reduce logistics, especially for basic commodities and services, to the maximum extent possible. Further, he may suspend export requirement for export enterprises that produce critical goods as referred to in Section 4 (u)(l) of RA No. 11494 and require them to supply locally subject to the application of Section 4 (cc) of RA No. 11494.
 - Coordinate, through the Negosyo Centers, the availment of relevant credit and training programs under RA No. 11494 to promote and facilitate domestic supply, subject to competitive procurement procedures;
 - Issue supplemental rules and guidelines for the Small Business Corporation (SBCorp) to expand its existing loan programs for MSMEs, cooperatives, hospitals, tourism, and

OFWs Affected by the COVID-19 pandemic and by other socio-economic reversal, through the combination of increasing available loanable funds, reducing documentary requirements, increasing maximum loan amounts per borrower, reducing interest rates, extending loan terms, utilization of financial technologies to expand reach and increase access, and set fast turn-around loan processing time; and allow the use of the loan proceeds for payroll costs, materials, and suppliers, mortgage payments, rent, utilities, including fuel and storage, creation of new supportive businesses, re-purposing of existing business capital, and other business debt obligations that were incurred before the covered period or acquisition of new technologies and systems to adjust business processes for resiliency;

- Provide a minimum of thirty (30)-day grace period on residential rents and commercial rents of lessees not permitted to work, and MSMEs and cooperatives ordered to temporarily cease operations, falling due within the period of the CQ without incurring interests, penalties, fees, and other charges;
 - In coordination with other implementing agencies, to accelerate and undertake massive promotion of online commerce and offer technical and financial assistance through GFIs to those engaged in E-Commerce such as those involved in internet retail, digital media, and ride-hailing. These include programs that will expedite the digitalization of MSMEs and cooperatives through training subsidies for onboarding or starter kits, wage support for new online enterprises, upskilling/reskilling and other activities as may be defined by the DTI, the Cooperative Development Authority, the DICT, the Technical Education and Skills Development Authority (TESDA), and the Commission on Higher Education (CHED);
 - In coordination with the DILG, review the imposition of amusement tax and recommend to the President, through the DOE the suspension, reduction, or waiver of the imposition of the fees and charges for a period not exceeding six (6) months; and
 - To require adoption of the nationwide online electronic application adopted by the DOH at all private establishments to monitor the movement of individuals and to serve as a means of enabling contact tracing for COVID-19.
- The Secretary of the DILG, to do the following acts:

- Lead the contact tracing of the government and the distribution of the testing kits to DOH-accredited government hospitals and facilities that can perform testing, in partnership with the LGUs. For this purpose, he shall issue rules and regulations on contact tracing measures, including the use of efficient technology for data collection and analysis and provisions on recruitment, training, and compensation, among others, of contact tracers;
- Ensure that all LGUs are acting within the letter and spirit of all the rules, regulations, and directives issued by the National Government pursuant to RA No. 11494, implementing standards of CQ consistent with what the National Government has laid down for the subject area, while allowing LGUs to continue exercising their autonomy in matters undefined by the National Government or are within the parameters it has set, and fully cooperating towards a unified, cohesive, and orderly implementation of the national policy to address COVID-19. With respect to the constitutional right of freedom of movement of persons, LGUs shall determine the policies and regulations within their respective jurisdiction in accordance with the guidance provided by the ATF-EID on cross-border concerns, including but not limited to Locally Stranded individuals, OFWs, domestic travelers, and residents.

In implementing this measure, the DILG Secretary is strictly required to report the Office of the President, within three (3) days from receiving notice of the violation, (a) any LGU official who is disobeying the rules, regulations, and directives issued by the National Government, especially the standards of CQ set by the IATF-EID for the subject area; (b) the action taken to address the violation, and (c) recommendations on any further action that the President may need to take;

- Supervise LGUs in moving statutory deadlines and timelines for the filing and submission of any document, the payment of taxes, fees, and other charges required by law, and the grant of any benefit, in order to ease the burden on individuals under CQ; and
- Ensure that LGUs have supervision and authority over issuance of permits for the establishment of privately-run isolation and quarantine facilities and fast-track the processing of the issuance of permits for the isolation and quarantine facilities through strict compliance with RA No. 9485 or the "Anti-Red Tape Act of 2007," as amended.

- The Secretary of the DOLE, to do the following acts:
 - Formulate and implement guidelines to provide unemployment or involuntary separation assistance in the amount of Five Thousand Pesos (PhP 5,000.00) to Eight Thousand Pesos (PhP 8,000.00) to displaced workers or employees due to COVID-19, including probationary, project, seasonal, contractual, and casual employees in private health institutions, culture and arts, creative industries, including but not limited to film and audio visual workers, broadcast, construction; public transportation, trade and industries, cooperatives, and other sectors of the economy, as the DOLE may identify, freelancers, the self-employed and repatriated OFWs, including OFWs whose employment were suspended due to the government-imposed deployment ban;
 - Ensure access to livelihood assistance: skills and training programs, loan assistance, and employment opportunities for repatriated and returning OFWs ensure proper reintegration and full utilization of their skills for national development;
 - Continue to authorize alternative working arrangements in the private sector;
 - Coordinate with the DSWD Secretary, when relevant, in the implementation of expanded and enhanced 4Ps program; and
 - Enter into a Memorandum of Agreement with LGUs for the transfer of funds to the said LGUs allowing the latter to facilitate the distribution of the CAMP, TUPAD, and the AKAP for OFWs.
- The Secretary of the Department of Transportation (DOTr), to implement the following:
 - Regulate and limit the operation of all sectors of transportation through land, sea or air, whether private or public, regulate traffic on all roads, streets, and bridges: and access thereto; prohibit the putting up of encroachments or obstacles; and provide the necessary infrastructure and support, including emergency pathways, LGU bicycle sharing schemes with proper safety equipment, and pop-up bike lanes for commuters particularly health workers and other frontliners;
 - In coordination with other agencies or instrumentalities that are authorized under RA No. 11494 to extend the following assistance and intervention to critically-impacted businesses in the transportation industry, including transport cooperatives:

- Provide direct cash or loan interest rate subsidy;
- Provide grants for applicable regulatory fees;
- Provide grants for fuel subsidy and/or digital fare vouchers, as may be necessary; and
- Provide grants for training, equipment, facilities, test kits and necessary personnel on coping with increased health risks arising from infectious diseases.

The interventions undertaken shall strictly comply with Section 4 (gg) of RA No. 11494;

- Produce a masterlist, in electronic and machine-readable data format, of all displaced and critically-impacted transport workers under the road, rail, air, and maritime sectors and using such masterlist implement the distribution of age-subsidies, cash-or-work programs, or service contracting of public utility vehicles in accordance with the provisions oi and as provided for in Sections 4 and 10 of RA No. 11494; and
- The Secretary of the DICT, to undertake measures, in partnership with appropriate internet and communication services providers, in the acceleration of the deployment of critical Information and Communications Technology (ICT) infrastructure particularly additional cell towers, equipment, software, and wireless technologies throughout the country to address the need for digital connectivity, internet speed and stability, Cybersecurity in E-Commerce, E-Government, online learning, end telecommuting in order to sufficiently meet the significant additional shift of the general public to online services and platforms and to home and mobile communication units for doing work from me, for completing commercial and other transactions, for convening meetings and conducting conferences and seminars/webinars, and for obtaining educational instruction during the COVID-19 pandemic. Such measures shall include the following:
 - Temporary suspension of requirements to secure permits and clearances for the construction of telecommunications and internet infrastructure; and
 - Streamlining of regulatory processes and procedures for the development and improvement of digital, internet and satellite technology infrastructure.
- The Secretary of the DA, to implement the following:
 - Formulate guidelines relative to the extension of support, direct cash or loan interest rate subsidy, or other forms of assistance to qualified agri-fishery enterprises, agricultural cooperatives farmers, fisher-folk, and other agricultural workers;

- Provide assistance to the agriculture industry, including agriculture cooperatives by creating the "Plant, Plant, Plant" Program which shall be composed of the following:
 - (1) Ahon Lahat, Pagkaing Sapat (ALPAS) kontra sa COVID-19;
 - (2) food markets — food logistics and other interventions;
 - (3) urban agriculture program of the DA; and
 - (4) Cash for work program in agriculture; and
- Formulate and implement guidelines which allow national government agencies to directly purchase agricultural and fishery products from farmers and fisherfolk and agricultural cooperatives as a form of direct assistance even beyond the lapse of RA No. 11469 in accordance with RA No. 11321 or the "Sagip Saka Act."
- The Secretary of the DOT, to implement the following:
 - Issue guidelines to regulate the rates chargeable by accommodation establishments to persons mandated by law or regulations to undergo quarantine; and
 - Assist critically-impacted businesses that are tourism enterprises including tourism-oriented barangay micro business enterprises, cooperatives engaged on tourism-related activities or other members of the informal sector in the tourism economy in any of the programs provided under and in accordance (hh) of RA No. 11494.
- The Secretary of the DPWH, to implement the following:
 - Authorize the removal of encroachment and illegal constructions in public places and perform all other related acts. In implementing these measures in the National Capital Region, he may seek the assistance of the Metro Manila Development Authority and the concerned LGUs;
 - Expedite the implementation of infrastructure programs and projects to generate local employment and stimulate the local economy, provided, that infrastructure flagship projects identified by the National Economic and Development Authority (NEDA) should be fast-tracked; and
 - Issue guidelines on the waiver of requirements for registration of permits and licenses,
 - including local government permits, licenses, clearances of infrastructure flagship projects for a period of one (1) year from the effectivity of RA No. 11494, provided, that permit requirements relating to environmental laws and health and occupational safety shall continue to be applicable and shall be subject to a processing time of seven (7) working days.

- The Secretary of the DepEd, the CHED, and the TESDA, within their respective mandates, to formulate guidelines and implement the following:
 - Provide subsidies and allowances to qualified students in private and public elementary, secondary, and tertiary education, whose families are now facing financial difficulties brought about by work stoppage and closure of establishments due to the CQ in accordance with RA No. 11494;
 - Provide a one-time cash assistance to displaced teaching and non-teaching personnel, including part-time faculty or non-permanent teaching personnel, in private and public elementary, secondary, and tertiary education institutions and part time faculty in State Universities and Colleges (SUCs), who have lost their jobs or who have not received their wages;
 - For the DepEd, to continue to provide access to free and healthy meals to undernourished public school children as mandated by RA No. 11037 or the "Masustansyang Pagkain para sa Batang Pilipino Act" regardless of the implemented modality of learning, in coordination with L GUS, and with the SWD, for children ages three (3) to five (5) years; and
 - Provide loan assistance; subsidies; discounts or grants to schools, universities, colleges, technical vocational institutions, teachers, faculties, and students for the purchase of distance learning tools, such as computers, laptops, tablets, and other ICT devices and equipment necessary to conduct and access classes and learning materials under alternative delivery modes of teaching and learning. In providing such loans, the DepEd, the CHED, and the TESDA shall ensure that such loans shall have terms that are more reasonable than those prevailing in the market and that private schools, colleges, and universities receiving grants will retain their personnel complement at the time of the receipt of the aid and will not engage in retrenchment of employees for a period of nine (9) months from receipt of the grant.
- The Secretary of the DOE, to develop a plan to conserve and regulate the distribution and use of power, fuel, and energy, and ensure adequate supply of the same during the state of national emergency.
- The Secretary of the DENR, to implement proper management and segregation of waste, especially of hazardous materials coming from health facilities, in the communities and households in order to contain the COVID-19 virus and other diseases.

- The Secretary of the Department of Human Settlements and Urban Development (DHSUD) and the DHSUD's key shelter agencies, to implement program that would: (1) fast track the approval of all pending and new applications for housing loans, permits, and licenses by simplifying the requirements and procedure; and (2) accommodate and prioritize critically-impacted home buyers who may want to shift from private bank financing to PAG-IBIG home financing with simplified requirements.
- The Board of Directors of the PhilHealth, to do the following acts:
 - Cover cost of treatment for COVID-19 patients under the National Health Insurance Program of the PhilHealth, and
 - Immediately release and/or reimburse the funds due to the district, provincial, and city hospitals.
- The Board of Directors of the LBP and the DBP, to do the following:
 - Introduce a low interest and/or "flexible term"* loan program for operating expenses available to businesses affected by COVID-19 pandemic. Priority shall be given to agri-fishery and nonessential businesses that are MSMEs, including but not limited to start-ups and cooperatives; and
 - In coordination with the DepEd, CHED, TESDA, and GFIs, provide loan assistance, subsidies, discounts or grants to schools, universities, colleges, technical vocational institutions, teachers, faculties, and students for the purchase of distance learning tools, such as computers, laptops, tablets, and other ICT devices and equipment necessary to conduct and access classes and learning materials under alternative delivery modes of teaching and learning.
- The Board of Directors of the Philippine Guarantee Corporation, to issue an expanded government guarantee program for non-essential businesses, to ease current rules and regulations, and give preference to critically impacted businesses, MSMEs, cooperatives, and activities that support DOH initiatives.
- The Administrator of the National Water Resources Board, in coordination with the Local Water Utilities Administration and Metropolitan Waterworks and Sewerage System, to develop a plan to conserve and regulate the distribution and use of water, and ensure adequate supply of the same during the COVID-19 pandemic.

- The Administrator of the Office of Civil Defense (OCD), to ensure that donation, acceptance and distribution of health products intended to address the COVID-19 public health emergency are not unnecessarily delayed and that health products for donation duly certified by the regulatory agency or their accredited third party from countries with established regulation shall automatically be cleared. In crafting the details of and implementing this measure, he may coordinate with the DOT, the Department of Foreign Affairs, the DO, the BOC, and the FDA.
- The National Disaster Risk Reduction and Management Council, to lift the thirty percent (30%) cap on the amount appropriated for the Quick Response Fund, as provided for in RA No. 10121 or the "Philippine Disaster Risk Reduction and Management Act of 2010, 'I during the existence of the state of national emergency due to COVID-19.
- The Securities and Exchange Commission (SEC), to implement the following:
 - Adopt measures, including the relaxation of regulatory and statutory restrictions and requirements for a period of not more than one (1) year from their date of effectivity to encourage financial institutions to extend loans and other forms of financial accommodation to help businesses recover from the economic effects of COVID-19 crisis end to enable the banking industry to manage appropriately its risks and potential losses;
 - Grant reporting relief to its supervised entities by allowing staggered booking of allowance for credit losses for all types of credit accommodations extended individuals and business entities affected by COVID-19; and
 - Resist from imposing fines and monetary penalties for non-filing, late filing, and failure to comply with compulsory notification and other reportorial requirements relating to business activities and transactions that promote continuity and capacity-building in all sectors of the economy during the CQ.
- The Commissioners of the Bureau of Internal Revenue (BIR) and the Bureau of Customs, within their respective mandates, to formulate and implement guidelines on:
 - Exemption from import duties) taxes, and other fees for manufacture or importation of critical equipment or essential goods as defined under RA No. 11494;
 - Exemption of personal computers, laptops, tablets or similar equipment appropriate for use in schools; donated for distribution to public schools regardless of level,

- including SUCs and vocational institutions under the ESDA, from import duties and taxes, including donor's tax;
- For the BIR, allow businesses and enterprises to deduct their net operating loss for taxable years 2020 and 2021 from their gross income for the next five (5) consecutive taxable years to facilitate recovery from losses and lost opportunity; and
 - For the BIR, exemption from tax of retirement benefits received by officials and employees of private firms, whether individual or corporate, in accordance with Section 5 of RA No. 11494
- All heads of relevant agencies, consistent with the guidelines of the IATF-EID or the directives of the National Task Force (NTF) Against COVID-19, to undertake the following acts:
 - Partner with the PRC, as the primary humanitarian agency that is auxiliary to the government in giving aid to the people, subject to reimbursement, in the distribution of goods and services incidental in the fight against COVID-19;
 - Procurement of the following as the need arises in the most judicious, economical, and expeditious manner as exemptions from provisions on bidding process required under RA No. 9184 and other relevant laws:
 - Goods, which may include PPEs such as gloves, gowns, masks, goggles, face shields; surgical equipment and supplies; laboratory equipment and its reagents; medical equipment and devices; support and maintenance for laboratory and medical equipment, surgical equipment and supplies; medical supplies, tools, and consumables such as alcohol, sanitizers: tissue, thermometers, hand soap, detergent, sodium hypochlorite, cleaning materials, povidone iodine, common medicines (e.g., paracetamol tablet and suspension, mefenamic acid, vitamins tablet and suspension, oral hydration solution, and cetirizine tablet and suspension); testing kits; and such other supplies or equipment as may be determined by the DOH and other relevant government agencies;
 - Goods and services for social amelioration measures in favor of affected communities;
 - Lease of real properties or venues to house health workers or serve as quarantine centers, medical relief and aid distribution locations, or temporary medical facilities,
 - Establishment, construction, and operation of temporary medical facilities;

- Utilities, telecommunications and other critical services in relation to operation of quarantine centers, medical relief and aid distribution centers and temporary medical facilities; and
- Ancillary services related to the foregoing;
- Give preference and procure products: materials, and supplies produced, made or manufactured in the Philippines
- Ensure that any subsidy program shall, as far as practicable, be implemented through a social protection distribution system that embeds secure and privacy-preserving data capture, verification: reduplication, payroll generation, grievance, and payout using digital technologies; and
- For regulatory agencies, to provide regulatory relief during the effectivity of RA No. 11494 and to desist from imposing fines and monetary penalties for non-filing, late filing, and failure to comply with compulsory notification and other reportorial requirements relating to business activities and transactions that continuity and capacity-building in all sectors of the economy during the CQ.
- All Local Chief Executives of LGUs are authorized as follows:
 - Notwithstanding any law to the contrary, to realign their respective local funds not limited to their development fund, Gender and Development Fund, Sanggunian Kabataan Fund, Special Education Fund (SEF), and other including unutilized or unreleased subsidies and transfers in order COVID-19 pandemic. The Punong Barangays are also authorized make re-alignments of allotments and subsidies in response to the pandemic;
 - To utilize by up to ten percent (10%) of their current budget to cover arising from their COVID-19 responses. The seventy percent limit on "pre-disaster" initiatives is hereby waived;
 - To increase their respective personnel service cap by up to ten percent (10%) for the first (1st) to third (3rd) class municipalities and up to five percent (5%) for the fourth (4th) to sixth (6th) class municipalities, cities, and provinces, for the hiring of additional health workers, generation of temporary jobs for marginalized and hard-hit sectors, and other emergency employment programs undertaken in response to COVID-19 pandemic;
 - To review the need to, and if necessary: allot the use of the SEF for the support of alternative learning modalities, digital education, digital infrastructure and continuity plans such as the purchase of equipment, materials, and

supplies related thereto: printing and delivery of self-learning modules, provision of safe schools infrastructures, equipment and facilities such as handwashing stations, soap, alcohol, sanitizers, and other disinfecting solutions, as well as medical health supplies deemed appropriate by public health officials such as thermometers, facemasks, and face subject to existing accounting and auditing rules; and

- To directly purchase agricultural and fishery products from farmers and fisherfolk and agricultural cooperatives as a form of direct assistance even beyond the lapse of RA No. 11469 in accordance with RA No. 11321, or the "Sagip Saka Act."
- The Philippine Competition Commission (PCC), to promote business continuity and capacity building. In this regard, all mergers and acquisitions within transaction values below Fifty Billion Pesos (Php 50,000,000,000.00) shall be exempt from compulsory notification under Section 17 of RA No. or the Philippine Con-petition Act if entered into within a period of two (2) years from the effectivity of RA NC, 11494. The same shall further be exempt from the PCC's power to review mergers and acquisitions motu proprio provided in Section 12 of RA 10667 for a period of one (1) year from the effectivity of RA No. 11494.

All government agencies and LGUs shall act on all pending and new applications for permit, license, certificate, clearance, authorization and resolutions within a non-extendable period of seven (7) working days, in order to support business continuity and encourage resumption of all economic activities. Applicants shall be allowed to undertake its compliance to any additional requirement that may be imposed, and such will not delay the approval of the application. However, this shall not apply to regulatory processes involving administrative investigations or enforcement activities by government regulators exercising quasi-judicial functions.

For purposes of implementing the authority of the President to direct the operation of any privately-owned hospitals and medical and health facilities including passenger vessels and other establishments to house health workers, serve as quarantine areas, quarantine centers, medical relief and aid distribution locations or other temporary medical facilities; and public transportation to ferry health, emergency, and frontline personnel and other persons, or take over the operations of the foregoing enterprises, the DOH, the DOTr, the DOT, and the OCD

are directed to submit to the Office of the President an inventory of all available or potential assets, and proposed guidelines to exercise such power. Such guidelines must conform to the relevant limits enshrined in Section 17, Article XII of the Constitution.

For purposes of exercising the power to require businesses to prioritize and accept contracts, subject to fair and reasonable terms, for materials and services necessary to promote the declared national policy in RA No. 11494, all relevant agencies and members of the private sector are urged to first negotiate in good faith. Should any contracting party for contracts over such materials or services refuse to give such contract a priority, anyone who has personal knowledge of the contract and the acts of the offending party is enjoined to report the same to the Office of the President to enable the President to exercise the foregoing power.

All departments, agencies, offices, and Instrumentalities of the government, GOCCs, GIs, and LGUs are directed to submit any recommended measure within their respective mandates that may enable the President to more effectively and prudently exercise the temporary authority granted to him under RA No. 11494 with complete details and draft issuance, copy furnished the departments/agencies identified above as may be relevant to the subject measure.

To assist the President in the submission of reports to the Oversight Committee of Congress in compliance with Section 14 of RA No. 11494, all the responsible department agencies, and instrumentalities of the government, GOCCs, GIs, and LGUs are likewise hereby directed to prepare a weekly summary of acts performed to implement the foregoing, including the amount and corresponding utilization of the funds used augmented, reprogrammed, reallocated, and realigned pursuant to RA No. 11494, which shall be submitted with a monthly consolidated report on or before 6:00 o'clock in the evening of the last working day of the month.

For the further guidance of all agencies, the Implementing Guidelines of Republic Act No. 11494, "An Act Providing for Covid-19 Response and Recovery Interventions and Providing Mechanisms to Accelerate the Recovery and Bolster the Resiliency of the Philippine Economy, Providing Funds Therefor, and for Other Purposes," is hereby adopted.

The exercise of the foregoing authorities by the departments and agencies concerned shall be without prejudice to the direct exercise thereof by the President at any time, pursuant to his power of control.

For immediate compliance.

CMC NO. 257-2020

Issue Date: November 5, 2020

WHEREAS, Article II, Sections 27 and 28 of the Constitution declare it a policy of the State to maintain honesty and integrity in the public service, take positive and effective measures against graft and corruption, and implement a policy of full public disclosure of transactions involving public interest;

WHEREAS, Republic Act (RA) No. 9184 or the "Government Procurement Reform Act," has instituted measures to ensure transparency in the procurement process and in the implementation of procurement contracts, as well as accountability of public officials directly or indirectly involved in the same, and, under warranted circumstances, private parties that deal with the government;

WHEREAS, Sections 18, 93 and 94 of the General Provisions of RA No. 11465 or the "General Appropriations Act (GAA) for Fiscal Year (FY) 2020," require transparency in the disbursement of public funds through posting of financial and physical reports of government programs, and reporting on the status of infrastructure projects;

WHEREAS, ensuring a people-centered, clean and efficient governance is one of the key pillars of the Philippine Development Plan (PDP) 2017 to 2022, and towards this goal, the country continuously implements strategies to strengthen public financial management and accountability; and

WHEREAS, the government is committed to ensure fair, transparent and nondiscriminatory competition for purchases of goods and services, and embraces the broader purpose of promoting good governance, and the efficient and effective management of public resources;

NOW, THEREFORE, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution end existing laws, do hereby order:

Transparency and Accountability in Procurement

Transparency and accountability in all government transactions, especially in procurement processes, shall be observed. To this end, all agencies and instrumentalities of the government shall strictly comply with the relevant provisions on transparency and accountability in the procurement process under RA No. 9184 and its Revised Implementing Rules and Regulations (RIRR), the GAA, resolutions of the Government Procurement Policy Board (GPPB) and other relevant laws, rules and regulations.

Transparency Portals

Philippine Government Electronic Procurement System (PhilGEPS) shall be the primary source and repository of information on government procurement. The PhilGEPS shall be user- and mobile-friendly, up-to-date, and compliant with the requirements for the maintenance of a Transparency Seal under Section 94 of the GAA for FY 2020 and the corresponding provisions in succeeding GAAs, as well the relevant policies on website content and web accessibility prescribed by the Department of Information and Communications Technology.

Procuring agencies shall use and maintain their official websites and social media platforms as secondary source of critical procurement information for the public. Agencies which do not have existing social media platforms are hereby directed to maintain one for purposes of complying with this -Order.

The PhilGEPS shall allow observers, duly authorized by the concerned Bids and Awards Committee (BAC), to monitor the procurement proceedings on-line, provided that such observers do not have any direct or indirect interest in the contract to be bid out, as prescribed in Section 13 of the IRR of RA No. 9184.

Transparency on Infrastructure Projects

Pursuant to Section 93 of RA No. 11465, all departments, bureaus, agencies and offices of the Executive department, including government-owned or -controlled corporations and government financial institutions, and state universities and shall

ensure transparency in the procurement of infrastructure projects by posting on their official websites and social media platforms the following information:

- Project title, location and detailed description; approved budget for the contract; and winning contractor and the detailed estimates of the bid as awarded, within thirty (30) calendar days from entering into the contract;
- Start of construction, target date of completion, completion rate, project status and the reason/s in case of delay;
- Source of fund, implementing office, responsible official contact number and electronic mail address; and
- Detailed actual cost of the project, variations issued, if any, within thirty (30) calendar days from the issuance of a certification of completion.

Post-Contract Award Disclosures

On top of the existing advertising requirements under RA No. 9184 and its IRR, RA No. 11465 and other relevant laws, except contracts with implications on national security, all agencies and instrumentalities of the Executive department shall publish in their respective official websites and social media platforms the following post-award information:

- Project name;
- Approved budget for the contract;
- Contract period;
- Name of winning bidder and its official business address;
- Amount of contract awarded;
- Date of award and acceptance; and
- Implementing office/unit/division/bureau of the concerned agency or instrumentality.

For contracts involving projects with an approved budget of P50 Million and above, the foregoing post-award information shall be published once in a newspaper of general circulation, in addition to posting the same on the respective official websites and social media platforms of the agencies concerned.

Blacklisting

Pursuant to the Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants, the GPPB shall prepare the Consolidated Blacklisting

Report every quarter, based on the submitted Blacklisting Orders, and disseminate the same to procuring entities and the Commission on Audit. The report shall be further posted on the GPPB website, the PhilGEPS and the official website and social media platform of the procuring entity, and shall indicate the number of times a person/entity has been blacklisted, the type of offense/violation committed, the penalty imposed, and the blacklisting agency concerned.

Sanctions

Non-compliance with the foregoing directives shall be ground for administrative action(s) against the erring public official or employee in accordance with civil service laws, rules and regulations and other relevant laws.

Funding

The funds necessary for the implementation of the foregoing directives shall be sourced from the regular appropriations of the agencies or instrumentalities concerned.

Implementing Guidelines

The Department of Budget and Management, in coordination with the GPPB, shall formulate guidelines, as may be necessary, for the effective implementation of this Order.

Separability

If any part or provision of this Order shall be held unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to be in full force and effect.

Effectivity

This Order shall take effect immediately upon publication in the Official Gazette or a newspaper of general circulation.

Done, in the City of Manila this 23rd day of October, in the year of our Lord Two Thousand and Twenty.

CMC 264-2020

Date Issued: November 4, 2020

Dear Commissioner Guerrero:

This refers to the new guidelines and issuances issued by the Food and Drug Administration specifically in Medical Devices.

With the issuance of FDA Circular No. 2020-001, "Processing of Initial Implementation of Administrative Order No. 2018-0002: Guidelines Governing the Issuance of an Authorization for a Medical Device Based on the ASEAN Harmonized Technical Requirements" signed on 23 January 2020, Issuance of Certificate of Exemption (COE) for Medical Device and In-Vitro Diagnostic Devices (IVD) that are non-registrable shall cease. In lieu of the COE, the License to Operate (LTO) as Medical Device Importer/Distributor of the establishment shall be required during importation.

To summarize, the following are the authorization needed or to be required during importation of medical devices:

- **LTO**
 - Importers of Medical Devices and In Vitro Medical Devices, Registrable and Non-Registrable Products
- **Certificate of Product Registration - ONLY for Registrable Products**
 - For Registrable Medical Device Products classified as Class B, Class C and Class D – Refer to Annex of the List of Medical Devices in the FDA Circular No. 2020-001, "Processing of Initial Implementation of Administrative Authorization for a Medical Device Based on the ASEAN Harmonized Technical Requirements"
 - For Registrable IVD products – refer to FDA Memorandum Circular No. 2014-005, "Updated List of Medical Devices Required to be Registered Prior to Sale, Distribution and Use"
- **Certificate of Medical Device Notification (CMDN) - For Class A Medical Devices**
 - CMDN is the certification issued for Class A medical devices, COEs issued from 25 February 2014 shall remain valid only until 03 November 2021. After this date, all Class A should present a CMDN.

- **Special Certification**

- Special Certification is being issued for new technologies or new test kits brought about by emerging disease or global outbreak of international and national concern. Please see FDA Memorandum no. 2020-006, "Issuance of Special Certification for Imported Test Kits of COVID-19" for reference.

CMC 271-2020

Issue Date: November 19, 2020

Please be informed that the President, taking into consideration the recommendation of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF), has approved the following community quarantine classification of Provinces, Highly Urbanized Cities (HUCs) and Independent Component Cities (ICCs) from 01-30 November, 2020, to wit:

General Community Quarantine (GCQ)

The following provinces, HUCs, and ICCs shall be placed under GCQ without prejudice to the declaration of localized Enhanced Community Quarantine in critical areas:

- For Luzon:
 - All HUCs of the National Capital Region and the Municipality of Pateros; and
 - Batangas;
- For Visayas:
 - Iloilo City
 - Bacolod City; and
 - Tacloban City;
- For Mindanao:
 - Iligan City; and
 - Lanao del Sur.

Modified General Community Quarantine (MGCQ)

The following provinces, HUCs, and ICCs shall be placed under MGCQ, without prejudice to the declaration of localized Enhanced Community Quarantine in critical areas:

- For Luzon:
 - Cordillera Administrative Region – Abra, Apayao, Ifugao, Benguet**, Kalinga, Mountain Province, Baguio City**;
 - Region I – Ilocos Norte, Ilocos Sur, La Union, Pangasinan, Dagupan City**;
 - Region II – Batanes, Cagayan, Isabela**, Nueva Vizcaya, Quirino, Santiago City;

- Cordillera Administrative Region – Abra, Apayao, Ifugao, Benguet**, Kalinga, Mountain Province, Baguio City**;
- Region I – Ilocos Norte, Ilocos Sur, La Union, Pangasinan, Dagupan City**;
- Region II – Batanes, Cagayan, Isabela**, Nueva Vizcaya, Quirino, Santiago City;
- Region III – Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga**, Tarlac, Zambales**, Angeles City, Olongapo City**;
- Region IV-A – Cavite, Laguna, Rizal, Quezon**, Lucena City**;
- Region IV-B – Marinduque, Occidental Mindoro, Oriental Mindoro, Romblon, Palawan, Puerto Princesa City; and
- Region V – Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate**, Sorsogon, Naga City.
- For Visayas:
 - Region VI – Aklan, Antique, Capiz**, Guimaras, Iloilo**, Negros Occidental**;
 - Region VII – Bohol, Cebu, Cebu City**, Lapu-Lapu City, Mandaue City, Negros Oriental, Siquijor, and
 - Region VIII – Biliran, Leyte, Southern Leyte**, Eastern Samar**, Northern Samar**, Western Samar, Ormoc City.
- For Mindanao:
 - Region IX – Zamboanga City**, Zamboanga del Norte, Zamboanga del Sur**, Zamboanga Sibugay**;
 - Region X – Bukidnon**, Camiguin**, Lanao del Norte**, Misamis Occidental, Misamis Oriental**, Cagayan de Oro City**;
 - Region XI – Davao City**, Davao de Oro, Davao del Norte, Davao del Sur, Davao Occidental, Davao Oriental;
 - Region XII – North Cotabato, South Cotabato, Sarangani, Sultan Kudarat, General Santos City**, Cotabato City**;
 - Region XIII (Caraga) – Agusan del Norte**, Surigao del Sur, Butuan City**; and
 - Bangsamoro Autonomous Region in Muslim Mindanao (BARRM) – Basilan**, Maguindanao, Sulu**, Tawi-Tawi**.

**Areas requiring special attention by the local government unit, Regional IATF and National Task Force.

ALL AREAS shall continue to implement the following measures:

- Minimum public health standards, especially their uniform implementation in high-risk areas such as healthcare settings, wet markets, supermarkets, government offices and workplaces, among others;
- The implementation of localized community quarantine and the ramping up of the availability of identified quarantine facilities in priority/critical areas with community transmission, including in private and public establishments, with concurrence of the Regional IATF;
- Immediate facility-based isolation of all returning citizens, suspect, and probable cases;
- Scaling-up of local health system capacity, especially for community isolation and critical care, including dedicated mechanical ventilators, and ICU, isolation and ward beds for COVID-19 cases;
- Submission of complete and accurate data through COVID-Kaya and the DOH DataCollect.

All heads of departments, agencies, offices and instrumentalities of the government, including the Philippine National Police, Armed Forces of the Philippines and the Philippine Coast Guard, GOCCs, GFIs, SUCs and LGUs are hereby directed to strictly observe and implement the applicable guidelines provided under the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines, as amended, issued by the IATF, and other relevant issuances.

CMC 275-2020

Issue Date: November 9, 2020

With reference to the letter dated November 4, 2020, from Dr. Rolando Enrique D. Domingo, M.D., Director General, Food and Drug Administration, all concerned are informed regarding the Food and Drug Administration (FDA) updated guidelines on the importation of Personal Protective Equipment (PPE), Ventilators and Respirators.

With respect to the customs release of imported PPEs, Ventilators and Respirators, the FDA has recently issued FDA Circular No. 2020-031 entitled "Updated Interim Guidelines on the Importation and Manufacture of Personal Protective Equipment, Ventilators and Respirators to be used in the COVID-19 Pandemic". The said Circular took effect on November 3, 2020.

Under the said issuance, importers of PPE are now required to secure License to Operate (LTOs) and Certificates of Medical Device Notification (CMDN) Certificates of Product Notification (CPN) prior to commercial sale and distribution of medical devices.

Moreover, importers of Ventilators and Respirators are required to secure LTOs prior to customs release, but only for a period of six (6) months from the date of effectivity of said Circular. After the said period, a Certificate of Product Registration (CPR) shall also be required for purpose of customs release. Hence, it is expected that all importers of Ventilators and Respirators should have LTOs and CPRs by May 3, 2021.

For your information and guidance.

For records purposes, please confirm the dissemination of this Circular throughout your Offices within fifteen (15) days from receipt thereof.

CMC 276-2020

Issue Date: November 9, 2020

With reference to the letter dated October 23, 2020 from Dr. Ceferino S. Rodolfo, Board of Investments, Managing Head and Undersecretary for Industry Development and Trade Policy, Department of Trade and Industry (DTI), all concerned are informed regarding Section 4 (cc) of the Bayanihan Recover as One Act which states:

“xxx for the purpose of qualifying for exemption from import duties, taxes and other fees and ensuring supply of PPE at competitive prices, DTI shall certify that the equipment and supplies being imported are not locally available xxx”

Under Section 4(t) and 4(u)(1) of the Act, PPE includes, but is not limited to, protective suits, face masks, shoe covers, face shields, goggles, gloves, gowns and head covers.

Moreover, for the implementation of the said requirement under the Act and under the Section 4(j) of Customs Administrative Order (CAO 12-2020), a Certification is provided with the list of PPEs being manufactured in the Philippines by manufacturers issued by the relevant Licenses to Operate by the Food and Drug Administration. Any other PPEs not listed therein are not locally available as of 31 October 2020; as such their importation may be exempt from import duties, taxes and other fees.

For immediate implementation.

For records purposes, please confirm the dissemination of this Circular throughout your Offices within fifteen (15) days from receipt thereof.

IAG 34-2020

Issue Date: November 24, 2020

- In connection with the new e-IPCR and e-PSC Forms accomplished and uploaded by BOC Personnel from September 6 to October 2, 2020, you are directed to review your respective e-IPCR & e-PSCs to finalize, revise, and/or remove data that have been already inputted therein, as a final step prior to its formal adoption as part of the BOC's Strategic Performance Management System (SPMS).
- Any request for clarification, comment, and amendment must be submitted to the Office for Strategy Management by December 4, 2020, attention: Karl Francisco (0915-677-3683; karlfrancisco831@gmail.com)
- After December 4, 2020, you are deemed to have already concurred to your e-IPCR and e-PSC and its adoption, and no further comment or request will be entertained.

For strict compliance.

OCOM MEMORANDUM NO. 199-2020

Issue Date: November 2, 2020

This is to inform those concerned that the extension of the validity of BOC Accreditation of Stakeholders during the Enhanced Community Quarantine is now terminated. This covers the accreditation of BOC Stakeholders such as, but not limited to, Importers, Customs Brokers, SGL Importers, Customs Bonded Warehouse, Customs Facilities and Warehouses, and any third-party transacting and accredited by the Bureau registered in the CPRS module of the E2M.

All Stakeholders with expired accreditation at the start of the Enhanced Community Quarantine (17 March 2020) up to present and of those that are expiring on 16 November 2020, must submit their Application for Renewal of Accreditation to Accounts Management Office to avoid problems with their electronically-lodged goods declaration.

For your information and guidance.

OCOM MEMORANDUM NO. 205-2020

Issue Date: November 16, 2020

References:

- BOC Memorandum dated August 03, 2020 with the subject: An Update Amendment to the Memorandum dated on Guidelines on the Continuous Adoption of Alternative Work Arrangements in BOC Re: State of Public Health Emergency.
- Civil Service Commission's (CSC) Memorandum Circular No. 18 series of 2020 issued on October 15, 2020 with the subject: Amendment to the Revised Guidelines for Alternative Work Arrangements and Support Mechanisms for Workers in the Government during the Period of State of National Emergency due to COVID-19 Pandemic.
- Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines, with Amendments as of October 22, 2020.

In order to ensure the Bureau's delivery of public service, a certain provision on the above-cited BOC Memorandum shall be updated in accordance to the CSC MC No. 18, s. 2020 and amended IATF Omnibus Guidelines on the Implementation of Community Quarantine, specifically Item 1.0 thereof on the adoption of Skeleton Workforce, respectively. The said Memorandum is hereby updated to read as follows:

"1.0 All Heads of Office are directed to arrange their respective workforce schedule which will ensure the delivery of Bureau services with due observance of minimum standard health protocols for COVID-19, following the prescribed Alternative Work Arrangements (AWA), below:

<p><i>Quarantine Classification of BOC Office Locations</i></p>	<p><i>Composition of Skeleton Workforce</i></p>
<p><i>For Offices located in areas placed under General Community Quarantine (GCQ) and Modified General Community Quarantine (MGCQ)</i></p>	<ul style="list-style-type: none"> • <i>For Groups under OCOM</i> <i>Personnel will physically report for four (4) days and will be under Work-From-Home arrangement for one (1) day per week.</i> • <i>For Collection Districts</i> <i>Work arrangement shall be determined by the District Collectors.</i>
<p><i>For offices located in areas placed under Modified Enhanced Community Quarantine (MECQ)</i></p>	<ul style="list-style-type: none"> • <i>For Groups under OCOM</i> <i>Personnel will physically report for three (3) days and will be under Work-From-Home arrangement for two (2) days per week.</i> • <i>For Collection Districts</i> <i>Work arrangement shall be determined by the District Collectors.</i>

OCOM MEMORANDUM NO. 206-2020

Issue Date: November 20, 2020

This is to inform you that the Electronic to Mobile (E2M) – Online Release System (OLRS) for Transit Permit Single Administrative Document (TSAD)/Transit Permit (TP) will be implemented on 01 December 2020.

All approved electronically-lodged PSAD/Transit Permit in the E2M System automatically generates a release instruction by the E2M OLRs after completing the E2M operational procedures as enumerated in OCOM Memorandum 81-2020 dated 13 April 2020. This supersedes item 5.2.10 of the said memorandum. Manual lifting of the terminal's operators On-line Release System will now be removed in the process.

Wharfingers assigned at their respective Container Yard/Container Freight Station (CY/CFS) shall acknowledge receipts of the container/s by updating the E2M system as TAGGED ARRIVED once the shipment reaches the off-dock CY/CFS.

For your information and guidance.

OCOM MEMORANDUM NO. 228-2020

Issue Date: November 5, 2020

With the advent of CMO 28-2020, the function of pre-evaluation of all exporters and their export products for certificate of origin issuance purposes regardless of where the Export declarations are processed and regardless of ports of loading previously held by Export Division (ED) as provided for under the now revoked CMO No. 11-2010 is presently reverted to the Export Coordination Division as its original function.

It is to be clarified, however, that Operational Provision No. 3 of CMO No. 2-2010 regarding provincial applicants for pre-evaluation still remains. Thus, the pre-evaluation of provincial applicants shall still be done by the local Export Division and shall just make a recommendation to the Chief, ECD for approval or disapproval as the case may be.

Consequently, only Metro Manila or nearby outports applicants shall be addressed to ECD for processing to avoid delay in the conduct of pre-evaluation of exporters and their products in the provinces.

Further, in so far as the issuance of certificates of origin, it must be understood to avoid confusion that the exclusive authority for its issuance is likewise reverted to Export Coordination Division as its original function, again under Administrative Provision No. 2 of CMO No. 2-2010 by way of revocation of CMO No. 11-2010 which temporarily empowered the Export Division (ED) the authority to pre-evaluate exporters/products and to issue certificates of origin as well.

In observance of trade facilitation however, the issuance of certificates of origin among provincial applicants may still be processed by outports' local Export Division (ED) concerned. But as for Metro Manila applicants, the ECD can now issue certificates of origin in accordance with the permanent withdrawal from Export Division of the temporary delegation to pre-evaluate and issue certificates of origin.

For strict compliance.

OCOM MEMORANDUM NO. 242-2020

Issue Date: November 25, 2020

To safeguard the country from H5N8 Highly Pathogenic Avian Influenza (HPAI), all District Collectors, Sub-port Collectors and all others concerned are advised to strictly implement the latest directive of the Department of Agriculture regarding the ban on the importation of domestic and wild birds and their products including poultry meat, day old chicks, eggs and semen.

The countries affected by HPAI are Mitoyo City, Kagawa, Japan, and Frodsham, England, United Kingdom.

All District Collectors and Sub-port Collectors and all others concerned are directed to coordinate with DA-BAI personnel should there be any importation of domestic and wild birds their products including poultry meat, day old chicks, eggs and semen from HPAI affected countries.

For strict and immediate compliance.

OCOM MEMORANDUM NO. 243-2020

Issue Date: November 23, 2020

Pursuant to Section 1400 under Title XIV (Offense and Penalties) of Customs Modernization and Tariff Act (CMTA) provides the grounds and penalties committing Misdeclaration, Undervaluation and Misclassification in Goods Declaration.

The rule in Section 1400 states: "Misdeclaration as to quantity, quality, description, weight or measurement of the goods, or misclassification through insufficient or wrong description of the goods or use of wrong tariff heading resulting to a discrepancy in duty and tax to be paid between what is legally determined upon assessment and what is declared, shall be subject to a surcharge equivalent to two hundred fifty percent (250%) of the duty and tax due."

The 2nd paragraph states that "there is undervaluation: when (a) the declared value fails to disclose in full the price actually paid or payable or any dutiable adjustments to the price actually paid or payable, or (b) when an incorrect valuation method is used or the valuation rules are not properly observed, resulting in a discrepancy in duty and tax to be paid between what is legally determined as the correct value against the declared value".

The last paragraph of Section 1400 states that "when the misdeclaration, misclassification or undervaluation is intentional or fraudulent, such as when a false or altered document is submitted or when false statements or information are knowingly made, a surcharge shall be imposed equivalent to five hundred percent (500%) of the duty and tax due and that the goods shall be subject to seizure regardless of the amount of the discrepancy without prejudice to the application of fines or penalties provided under Section 1401 of this Act against the importer and other person or persons who willfully participated in the fraudulent act."

In view thereof, you are hereby directed to thoroughly check/scrutinize all the documents being submitted (Inward Foreign Manifest, Bill of Lading/House Bill of Lading, Commercial Invoice and Packing List) in order to collect duties and taxes in

favor of the government and to submit a hardcopy of **ALL AMENDED** Inward Foreign Manifest in a **WEEKLY BASIS** starting November 1, 2020 onwards to this office.

For your immediate strict compliance.

AOCG MEMORANDUM NO. 229-2020

Issue Date: November 9, 2020

In order to ensure integrity in the processing and issuance of Bunkering Permits, you are hereby directed to submit a copy of an after-loading report (accomplished bunkering permit) within 24 hours after the actual loading of fuel to vessel. Failure to comply within the said period will be dealt with administratively.

Further, kindly submit the accomplished bunkering permit issued from January 2019 to present in a PDF format through pocd@customs.gov.ph not later than 13 November 2020, 12 p.m.

For any questions, kindly contact Mr. Seanery Kyle P. Pacupac, at 09330646183 and Mr. Mario Miguel C. Soriano at 09173038331.

For strict compliance.

AOCG MEMORANDUM NO. 237-2020

Issue Date: November 23, 2020

In line with the Ten (10) Point Priority Program of the Bureau of Customs including the automation of frontline services and enhancement of trade facilitation, and to effectively promote export simplification programs to exporters, all Export Divisions concerned are directed to implement the Registry Number as mandatory field for export declarations in the e2m system for payment of arrastre charges effective 01 December 2020.

The implementation of the Registry Number in the export declaration will prevent the double lodgement of goods declaration and to effectively monitor export entries in relation to Customs Administrative Order (CAO) No. 01-2020 re: Fines and Surcharges for Clerical Errors, Misdeclaration, Misclassification and Undervaluation.

For strict compliance.

AOCG MEMORANDUM NO. 245-2020

Issue Date: November 18, 2020

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863), the Tariff Commission issued Advance Rulings (AR) on Tariff Classification with Tariff Classification Circulars (TCC/AR) issued 11 November 2020, for various imported articles, and the same were submitted and reviewed by the Office, summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
20-218	"DXN GEMPYURI SKIN CARE SET"	3304.99.90	MFN - 7% Ad Valorem AKFTA - Zero*
20-219	"DXN GEMPYURI LIFTING IMPACT AMPOULE OIL"	3304.99.90	MFN - 7% Ad Valorem AKFTA - Zero*
20-222	"CATALINA® SCUBA DIVING CYLINDER, MODEL: S80.00"	7613.00.00	MFN - 7% Ad Valorem
20-220	"DXN GEMPYURI VOLUME ENERGY SERUM"	3304.99.90	MFN - 7% Ad Valorem AKFTA - Zero*
<i>*Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO).</i>			

AOCG MEMORANDUM NO. 246-2020

Issue Date: November 20, 2020

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic act 10863), the Tariff Commission issued Advance Rulings (AR) on Tariff Classification with Tariff Classification Circulars (TCC/AR) issued 17 November 2020, for various imported articles, and the same were submitted and reviewed by the Office, summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
20-166	"KAESER REFRIGERATION DRYER, Model: SECOTEC® TF 174"	8419.39.19	MFN - 1% Ad Valorem
20-167	"KAESER REFRIGERATION DRYER, Model: SECOTEC® TD 61"	8419.39.19	MFN - 1% Ad Valorem
20-168	"KAESER REFRIGERATION DRYER, Model: SECOTEC® TE 102"	8419.39.19	MFN - 1% Ad Valorem
20-169	"KAESER REFRIGERATION DRYER, Model: SECOTEC® TD 76"	8419.39.19	MFN - 1% Ad Valorem
20-186	"RAINBOW® SRX™ CLEANING SYSTEM, Model No. RHCS19"	8508.11.00	MFN - 5% Ad Valorem
20-190	"DXN WATERY SUN ESSENCE"	3304.99.90	MFN - 7% Ad Valorem AKFTA - Zero*
20-224	"EXXONMOBIL EXCEED™ 2018MA"	3901.40.00	MFN - 3% Ad Valorem
<i>*Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO).</i>			

AOCG MEMORANDUM NO. 247-2020

Issue Date: November 18, 2020

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act No. 10863), the Tariff Commission issued Advance Rulings (AR) on Tariff Classification with Tariff Classification Circulars (TRR/AR) issued 04 November 2020, for various imported articles, and the same were submitted and reviewed by the Office, summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
20-179	"ZERO PLASTIC WATER-SOLUBLE BAG"	3923.29.90	MFN - 15% Ad Valorem ACFTA - 5% Ad Valorem*
20-189	"DXN M MIRACLE MARINE LIPOSOME CALMING TONER"	3304.99.30	MFN - 7% Ad Valorem AKFTA - Zero*
<i>*Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO).</i>			

AOCG MEMORANDUM NO. 248-2020

Issue Date: November 18, 2020

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863) the Tariff Commission issued Advance Rulings (AR) on Tariff Classification with Tariff Classification Circulars (TCC/AR) issued 10 November 2020, for various imported articles, and the same were submitted and reviewed by the Office, summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
20-204	"EXXONMOBIL™ LLDPE LL 1002AY"	3901.40.00	MFN - 3% Ad Valorem
20-205	"EXXONMOBIL™ LLDPE LL 1001BU"	3901.40.00	MFN - 3% Ad Valorem
20-206	"EXXONMOBIL EXCEED™ 1015MK"	3901.40.00	MFN - 3% Ad Valorem
20-214	"EXXONMOBIL EXCEED™ 1012MA"	3901.40.00	MFN - 3% Ad Valorem
20-215	"EXXONMOBIL EXCEED™ 1012MK"	3901.40.00	MFN - 3% Ad Valorem

****Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO).***

AOCG MEMORANDUM NO. 249-2020

Issue Date: November 18, 2020

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863) the Tariff Commission issued Advance Rulings (AR) on Tariff Classification with Tariff Classification Circulars (TCC/AR) issued 16 November 2020, for various imported articles, and the same were submitted and reviewed by the Office, summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
20-217	"DXN GEMPYURI DERMA PERFECTION REJUVENATION CREAM"	3304.99.90	MFN - 7% Ad Valorem AKFTA - Zero*
20-221	"DXN GEMPYURI MULTI MASSAGE CLEANSER"	3304.99.90	MFN - 7% Ad Valorem AKFTA - Zero*
20-225	"SHELL GTL SARAWAX SX70S"	2712.20.00	MFN - Zero ATIGA - Zero*

****Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO).***

ABOUT US

Nague Malic Magnawa & Associates Customs Brokers (NMM) is a general professional partnership of customs brokers duly registered by the Securities and Exchange Commission and the Bureau of Customs. As the first general professional partnership of customs brokers registered with SEC and BOC, it complies with RA 9280, or the Customs Brokers Act of 2004. It has offices in Metro Manila and Cebu, and brokers in Clark, Subic, Davao, Cagayan de Oro, Batangas, and other major ports and special economic zones in the Philippines.

To learn more about the company, please visit our website at:

<http://www.nmmcustomsbrokers.com/>

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