

CUSTOMS GAZETTE

Updates on Customs-Related Matters

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CMC 11-2021

Office of the President of the Philippines, Malacanang Memorandum from the Executive Secretary

With reference to the (1) Joint recommendation of the Department of Health and the Department of Foreign Affairs dated 04 January 2021, submitted pursuant to the Memorandum from the Executive Secretary dated 29 December 2020. relative to the SARS-CoV-2 variant (B. 1.1.7 or VUI 2020/12/01) first detected in the United Kingdom (UK variant), and (2) IATF Resolution No. 92-A (s. 2021), recommending the entry restriction on unaccompanied minor Filipino citizens from countries/jurisdictions subject to the travel restrictions in view of the UK variant, this Office hereby directs all relevant agencies to implement the following:

I. Inclusion of Portugal, India, Finland, Norway, Jordan, and Brazil among the countries/Jurisdictions subject to travel resrictions

a. Foreign passengers coming from or who have been to Portugal, India, Finland, Norway, Jordan, and Brazil within 14 days immediately preceding arrival in the Philippines shall be prohibited from entering the country effective 0001H, 08 January 2021 Manila time until 15 January 2021;

b. Effective immediately, foreign passengers coming from, or who have been to the aforesaid countries/jurisdictions within 14 days immediately preceding arrival in the Philippines, arriving before 0001H of 08 January 2021 Manila time: shall not be prohibited from entering Philippines but shall be required to undergo an absolute facility-based 14-day quarantine period

c. Likewise effective immediately, Filipino citizens coming from, or who have been to the aforesaid

countries/jurisdictions within 14 days immediately preceding arrival in the Philippines, including those arriving after 0001H of 08 January 2021 Manila time, shall not be prohibited from entering the county, but shall be required to undergo an absolute facility-based 14-day guarantine period notwithstanding a negative RT-PCR result and

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d. Filipino and foreign passengers merely transiting through the aforesaid countries/jurisdictions shall be covered by the rules as provided in paragraph II of the Memorandum from the Executive Secretary dated 31 December 2020.

II. Rules on incoming unacommpanied minor Filipino passengers

a. Effective 0001H 08 January 2021, al unaccompanied minor Filipino citizens coming from countries/jurisdictions where travel restrictions are in place on account of the UK variant pursuant to the directives of this Office, shall not be allowed entry until 15 January 2021, except if such minors are returning through the repatriation program of the national government. The repatriated minors shell be turned over to the Overseas Workers Welfare Administration house parent who, in coordination with the Department of Social Welfare and Development (DSWD), shall ensure the minors' safety and their observance of guarantine protocols.

b. All unaccompanied minor Filipino citizens who are not part of the repatriation program of the national government. arriving prior to 0001H 08 January 2021, shall be turned over to an authorized DSWD officer who can similarly ensure their safety and observance of quarantine protocols.

This directive is without prejudice to existing prohibitions and procedures on entry pursuant to rules and protocols generally applicable to arriving passengers.

The IATF may provide rules and regulations to implement this and related directives, which may include reasonable exceptions to the entry restrictions and protocols imposed by this Office in relation to the UK variant, as the situation develops.

For strict compliance.

cf. CMTA, Title I, Chapter 2, Section 102(y)

Issue Date: January 25, 2021

CMC 17-2021

In the exigency of service, and pursuant to the Inter-Agency Task Force (IATF) Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines and DOH Administrative Order No. 2020-0015, Guidelines on the Risk-Based Public Health Standards for COViD-19 Mitigation, the National Archives of the Philippines hereby adopts the following guidelines on the minimum health standards in the conduct of the actual disposal of valueless records.

- The requesting agency must ensure to sanitize the location/storage area (using 0.5% bleach solution — 100mL bleach, 900mL water) one (1) day prior to the date of the actual disposal.
- The location of the actual disposal activities must be in a wellventilated area or open space.
- The witnesses/representatives from the agencies, including the official buyer and their staff, permitted to work on-site must not exceed a total of ten (10) persons or fifty percent (50%) of the space capacity as recommended by the IATF:
 - One (1) from the requesting agency
 - One (1) from National Archives of the Philippines
 - One (1) from Commission on Audit
 - Seven (7) from the official buyer including his/her authorized representative, staff and driver.

In case the disposal will not be completed within the day due to limited number of haulers and the practice of physical distancing, it will be continued the following day.

- Prior to the actual disposal, the NAP representative/analyst shall:
 - Coordinate with the Agency/LGU in relation to the IATF/DOH guidelines being implemented in their area. In case the LGU requires to quarantine a person coming from outside their locality as a precautionary measure, the disposal in that agency shall be put on hold until such time that the aforesaid quarantine procedure is lifted.
 - Secure a certification from the requesting agency that all of the provisions stipulated in these guidelines have been complied with. Non-compliance shall warrant the cancellation of the scheduled disposal of valueless records.

- The witnesses/representatives from the agencies including the official buyer and their staff shall observe the guidelines and recommendations of the IATF and DOH during the actual disposal such as the following:
 - All individuals permitted to work on-site are subject to temperature and symptom monitoring/recording (37.4C or lower). Any individual found to have a body temperature of 37.5C and above should not be allowed to enter the premises. Accomplished Health Check List for Contact Tracing purposes is required.
 - Wearing of face mask at all times is mandatory. use other Personal Protective Equipment (PPE) such as but not limited to face shield, goggles, medical-grade protective apparel if needed, Replace face mask when necessary. It should be noted that the maximum recommended use of a face mask is eight (8) hours.
 - Practice physical distancing at least one (1) meter apart in communal areas.
 - Hand-washing facilities, hand sanitizers, dispensers with alcohol-based solution, and other disinfectants shall be made available in the area.
 - Practice respiratory etiquette at all times. Use a tissue or the inner portion of the elbow to cover the mouth and nose when sneezing/coughing. Practice proper disposal of tissue after use.

For your guidance and compliance.

IATG MEMO NO. 03-2021

This is to remind all BOC officials and employees of the existing protocol on presentation of grievances as provided in the Customs Memorandum Order No. 25-2010 with the subject: BOC Function-Specific Code of Conduct, to wit:

"Section 5. Grievance Procedures: xxx

"1. For any grievance an employee would like to ventilate, he/she should present the same to his/her Division Chief/Office Head either verbally or in writing. The said grievance should be acted upon by the Division Chief/Office Head concerned and the aggrieved employee informed within five (5) working days from date of presentation. The information may likewise be done verbally or in writing. Provided, however, that where the object of the grievance is the Division Chief/Office Head himself/herself, the aggrieved employee may bring the grievance to the Service Director/District Collector, as the case may be, who shall likewise take action on the grievance within five (5) working days.

"If the aggrieved party is holding a position of Division Chief or higher, the first presentation of the grievance shall be to the Service Director/District Collector, as the case may be. xxx"

In this regard, everyone is enjoined to observe the procedures stated in the abovementioned CMO is seeking redress of their grievance by coursing it through the proper channels.

For guidance and strict compliance.

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MISTG MEMO NO. 01-2021

Please be informed that the updating of Excise Tax rates for the following products under Republic Act No. 11467 has been implemented in E2M System effective January 05, 2021:

• Alcohol, Heated Tobacco and Vapor Products

| Description | Classification | 2021 |
|--|---|---|
| Fermented Liquors Specific Tax | All HS codes under heading 2203; 2206.00.10, 2206.00.20, 2206.00.41, 2206.00.49, 2206.00.91, 2206.00.99 | Php 37.00/liter |
| Distilled Spirits Ad Valorem Tax Specific Tax | All HS codes under heading 2208 | 22% of NRP Php 47.00/PL (Proof Liter) |
| Wine Specific Tax | All HS codes under heading 2204 and 2205 | Php 53.00/liter |
| Heated Tobacco Products | 2403.99.90 | Php 27.50/pack of twenty (20) units or packaging combinations of not more than twenty (20) units |
| Nicotine Salt or Salt Nicotine (Salt Nicotine Vape) | *3824.99.99 (AICODE – 1002) | Php 42.00/ml |
| Conventional "Freebase" or "Classic" Nicotines | *3824.99.99 | Php 50.00/10 ml or a fraction thereof |

As per Republic Act No. 11467

*If goods are not intended for nicotine, please use AICODE 1001.

Examiners are advised to do SAD update for all goods declaration that were not processed prior to the system update.

Note: Due to systems limitation, Ad Valorem tax for Distilled Spirits is computed manually since it depends on the Net Retail Price (NRP).

For your information.

Issue Date: January 4, 2021

MISTG MEMO NO. 02-2021

In reference to the issued Customs Memorandum Order No. 30-2020 on the Guidelines for the Implementation of the General Transport Bond thru the Automated Bonds Management System (ABMS), please be advised that the system is read and will be available in the E2M Production server on 01 February 2021. Registration of Surety Companies on the Client Profile Registration System and the approval of Transit bond policies by the Bond Division of the respective ports will commence on the said date. To give ample time for our Stakeholders to register and to process their bond application approval, the validation of approved bond policy on all electronically lodged Transit goods declarations in the E2M-ABMS will be activated two weeks later.

All Transit goods declaration must have an approved bond policy starting 15 February 2021. On the said date, the E2M System will no longer accept Transit goods declaration without the attached approved bond policy.

For your information and guidance.

Issue Date: January 28, 2021

OCOM MEMO NO. 12-2021

Pursuant to the Bureau of Customs' transformation program under the Performance Governance System and full automation of our processes, all BOC officials and personnel shall henceforth accomplish the e-IPCF & e-PSC in the Rating Portal.

The rating portal will be fully implemented starting January of 2021 and will be used for the performance evaluation of all employees.

For strict compliance.

Issue Date: December 21, 2020

OCOM MEMO NO. 13-2021

Pursuant to Disposition Form dated December 21, 2020 regarding the adoption of the e-IPCR & e-PSc and the Rating Portal, an eform will be used to log the consultation meetings between the Personnel and their designated Accountability Partner.

The e-forms must be accomplished by the designated Accountability Partner every 15th and 30th of the month.

Accountability Partners are ordered to log-in into their respective Rating Portal accounts and tick the accountability checkbox form after they have discussed their personal progress.

You are also hereby reminded that rating the e-PSC is every two (2) months starting at the end of January 31, 2021.

For strict compliance.

OCOM MEMO NO. 15-2021

In line with the Performance Governance System (PGS), the BOC Governance Documents consisting of the BOC Strategy Map and Governance Scorecard have been revised to reflect the current strategic position/direction of the Bureau. Accordingly, all BOC offices are hereby **directed to replace the original posters with the Revised BOC Strategy Map and Governance Scorecard on conspicuous areas in your respective offices.**

The Public Information and Assistance Division (PIAD) has been directed to coordinate the printing and dissemination of posters to all BOC offices.

All OSM Senior and Junior representatives are further directed to assist and ensure that the revised BOC Strategy Map and Governance Scorecard are displayed within three (3) days of receipt of the materials.

For strict compliance.

Issue Date: January 11, 2021

OCOM MEMO NO. 16-2021

This Memorandum shall serve as future reference for all Collection Districts and Sub-ports seeking to lease warehouses to be utilized as storage facilities.

Section 201 of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA), defines the powers and functions of the Commissioner, including the authority to delegate all powers vested under the CMTA, to wit:

Section 201. powers and Functions of the Commissioner.

• The Commissioner shall have the following powers and functions:

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(e) Delegate the powers vested under this Act to any Customs officer with the rank equivalent to Division Chief or higher except for the following functions:

- i. Promulgation of Rules and Regulations;
- ii. Issuance, revocation or modification of rulings; and
- iii. Compromise or abatement of Customs obligations.

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In relation thereto, Section 1.2 of Commission on Audit (COA) Circular NO. 88-282A or the Uniform Standards/Guidelines to Determine the Reasonableness of the Terms and Rental Rates of Lease Contracts for Private or Government Buildings/Spaces provides that *if the lessee is a government agency, the head of the agency shall be represented by the official having control of the appropriation against which the contract shall create a charge, and the contract shall be subject to approval by the head of the agency concerned.*

Further, Item J of Annex H of the Implementing Rules and Regulations of R.A. No. 9184 otherwise known as the Government Procurement Reform Act, provides that: Issue Date: January 15, 2021

J. Delegation of Authority. The conduct of Shopping and Negotiated procurement under Emergency Cases, Small Value Procurement and Lease of real Property and Venue may be delegated to the End-user unit or any other appropriate bureau, committee, or support unit duly authorized by the BAC through a Resolution approved by the Head of the Procuring Entity (HOPE).

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For record and monitoring purposes, all awards shall be immediately reported with all supporting documents to the HOPE, through the BAC to ensure compliance with all the conditions and requirements provided under R.A. No. 9184, its IRR and related guidelines.

Thus, the power to enter into a Lease Agreement on warehouses may be delegated to other officials of the Bureau, such as District Collectors, subject to the Authorization of the Bids and Awards Committee of the Bureau and the approval of the Commissioner.

For your reference.

OCOM MEMO NO. 17-2021

In line with the Bureau of Customs' drive to enhance communication and engagement with its stakeholders, the Bureau has engaged in the creation of the monthly edition of "Customs Gazzette" for 2020 which ensures that all milestones and achievements are highlighted on a bimonthly basis.

In this regard, respective Groups, Collection Districts and Divisions are hereby directed to create and publish an annual Port Gazzette which in turn highlights Port specific accomplishments and achievements. Ports are required to produce the same on or before January 29, 2021.

Further, Collection Districts are also directed to conduct local coordination with local TV networks, billboards, and other advertising channels to show and promote existing BOC information videos and information.

For strict compliance.

AOCG MEMO NO. 02-2021

In view of the expiration of the reduction of the rates of duty on mechanically deboned meat as provided under Executive Order No. 82, the tariff rate for AHTN Code Heading No. "02.07" corresponding to the commodities covered therein is restored to 40% effective January 1, 2021.

for your information and guidance.

Issue Date: January 4, 2021

AOCG MEMO NO. 27-2021

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863) and Section 4.9 of Commission Order No. 2017-1 (Procedure and Application for an Advance Ruling on Tariff Classification related to importation of Goods), the Tariff Commission furnished copies of the Advance Rulings (AR) on Tariff Classification with Tariff Classification (TCC/AR) issued on 29 December 2020, and the same having been reviewed and summarized as follows:

| TCC NO. | DESCRIPTION OF ARTICLES | 2017 AHTN CODE | 2020 RATES OF DUTY |
|---|--|-------------------|---|
| 20-199 | "MECHANISM SUB-ASSY THERMAL HEAD WITH CPU)" | 8471.50.90 | MFN- Zero ACFTA - Zero* |
| 20-232 | "A/D SEMI GLOSSY BLACK" | 3210.00.99 | MFN - 7% Ad Valorem ATIGA - Zero* |
| 20-249 | "STM-40-T1" | 3206.90.90 | MFN- 7% Ad Valorem PJEPA - Zero* AJCEPA - Zero* |
| *Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO). | | | |

Issue Date: January 7, 2021

AOCG MEMO NO. 28-2021

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863) and Section 4.9 of Commission Order No. 2017-1 (Procedure and Application for an Advance Ruling on Tariff Classification related to importation of Goods), the Tariff Commission furnished copies of the Advance Rulings (AR) on Tariff Classification with Tariff Classification (TCC/AR) issued on 08 January 2021, and the same having been reviewed and summarized as follows:

| TCC NO. | DESCRIPTION OF ARTICLES | 2017 AHTN CODE | 2020 RATES OF DUTY |
|---|---------------------------|-------------------|---------------------|
| 20-263 | "ALFAFA PELLET" | 1214.10.00 | MFN - 3% Ad Valorem |
| 20-238 | 20-238 "COSMONATE MC-120" | 3903.31.00A | MFN - 3% Ad Valorem |
| 20-230 | | | AKFTA - Zero* |
| *Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO). | | | |

Issue Date: January 14, 2021

AOCG MEMO NO. 30-2021

Pursuant to the implementation of Customs Memorandum Order No. 04-2020, the Collection Districts and offices concerned are hereby directed to ensure that all containers processed for PEZA shall adhere to the Amended Guidelines for PEZA imports issued last September 11, 2020.

This Memorandum shall now include all PEZA importations from the ports with E-TRACC implementation bound to all economic zones located in Laguna and Cavite which include the following:

<u>Laguna</u>

- Carmelray Industrial Park I & II
- Calamba Premier International Park
- Light and Industry Science Park I & II
- Laguna International Industrial Park
- Filinvest Technology Park
- Toyota Sta. Rosa Special Economic Zone
- Greenfield Automotive Park

<u>Cavite</u>

- First Cavite Industrial Estate
- Golden Mile Business Park
- Golden Gate Industrial Park
- Peoples Technology Complex
- Suntrust Ecotown Plaza Special Economic Zone
- Daiichi Industrial Park
- EDS Manufacturing, Inc.

Brokers and Locators of the above-mentioned economic zones are enjoined to register from January 11-18, 2021. Failure to register on the said period will cause undue delay in the processing of customs clearance. COOV will not approve any customs clearance without the required E-TRACC Booking as prescribed in Section 10.4 of CMO 04-2020.

Stakeholders are required to self-register in ETRACC System at www.ecms.ph. ETRACC System is a web-based system that can be accessed through Android phones, tablets, laptops, or desktops as long as internet connection is available. For further inquiries or concerns, please feel free to call Ascent Customer Support Trunkline 0282757766, 09190793049, 09173887917, 09190806210, 09190797525.

E-TRACC Implementation for all the economic zones indicated above shall start on January 19, 2021. Containers discharged from the seaports covered by transit SAD bound to the abovementioned economic zones must be sealed with Electronic Customs Seal under E-TRACC System.

The District Collectors are hereby reminded to inform their respective operating units and stakeholders affected by the implementation of the said CMO.

For strict compliance.

AOCG MEMO NO. 31-2021

Pursuant to Executive Order No. 123, the rates of duty as provided in E.O. No. 82 for mechanically deboned meat or chicken falling under AHTN 2017 subheading 0207.14.19, and mechanically deboned meat of turkey falling under AHTN 2017 subheadings 0207.27.91A and 0207.27.91B are maintained.

All previous memoranda inconsistent with this are deemed repealed/canceled.

For immediate and strict compliance.

Issue Date: January 22, 2021

AOCG MEMO NO. 32-2021

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863) and Section 4.9 of Commission Order No. 2017-1 (Procedure and Application for an Advance Ruling on Tariff Classification related to importation of Goods), the Tariff Commission furnished copies of the Advance Rulings (AR) on Tariff Classification with Tariff Classification (TCC/AR) issued on 12 January 2021, and the same having been reviewed and summarized as follows:

| TCC NO. | DESCRIPTION OF ARTICLES | 2017 AHTN CODE | 2020 RATES OF DUTY |
|---|---|----------------|---------------------------------------|
| 20-264 | "PROMOTE™ NOTOX™ LS" | 3824.99.99 | MFN- 3% Ad Valorem |
| 20-265 | "REMDAC (REMDESIVIR FOR INJECTION | 3004.90.99 | MFN - 5% Ad Valorem AIFTA - Zero* |
| 20-266 | "NATIVE TAPIOCA STARCH (FOOD GRADE)" | 1108.14.00 | MFN - 20% Ad Valorem ATIGA - Zero* |
| 20-267 | "LAVENDER 43.0367-1" | 3302.90.00 | MFN - 1% Ad Valorem |
| *Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO). | | | |

Issue Date: January 18, 2021

AOCG MEMO NO. 33-2021

Pursuant to the provisions of Section 1603 (f) of the Customs Modernization and Tariff Act (Republic Act 10863) and Section 4.9 of Commission Order No. 2017-1 (Procedure and Application for an Advance Ruling on Tariff Classification related to importation of Goods), the Tariff Commission furnished copies of the Advance Rulings (AR) on Tariff Classification with Tariff Classification (TCC/AR) issued on 14 January 2021, and the same having been reviewed and summarized as follows:

| TCC NO. | DESCRIPTION OF ARTICLES | 2017 AHTN CODE | 2020 RATES OF DUTY | |
|---|-------------------------|-------------------|--|--|
| 20-178 | "BOSS PAK VE FCB (BAG)" | 3923.21.99 | MFN - 15% Ad Valorem AANZFTA - Zero* | |
| 20-261 | | | | |
| *Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO). | | | | |

Issue Date: January 18, 2021

AOCG MEMO NO. 34-2021

This is to reiterate previous memoranda issued regarding the ban on importation of pork and pork-based products from African Swine Fever (ASF) affected countries.

Following is the list of countries affected by ASF:

| Hungary | Moldova | North Korea |
|----------------|--------------|-------------|
| Latvia | South Africa | South Korea |
| Poland | Zambia | Myanmar |
| Romania | Belgium | Serbia |
| Russia | Vietnam | Slovakia |
| Ukraine | Cambodia | Zimbabwe |
| China | Hong Kong | Indonesia |
| Bulgaria | Laos | Germany |
| Czech Republic | Mongolia | Greece |

Reiterating further the memorandum on ban on the importation of Domestic and Wild Birds and their products including Poultry Meat, Day Old Chicks, Eggs and Semen due to the outbreak of H7N7 Highly Pathogenic Avian Influenza (HPAI).

Following is the list of countries affected by HPAI:

| Australia | Netherlands | Menen, Belgium |
|--------------------------|-------------------------|--------------------------|
| Corsica, France | Altftost, Netherlands | West-Vlaanderen, Belgium |
| Ile-de-France, France | Gelderland, Netherlands | Wolsztyn, Poland |
| Aquitaine, France | Tustrup, Denmark | Wolsztynski, Poland |
| Pays de la Loire, France | Randers, Denmark | Wielkopoiskie, Poland |
| Midi-Pyrenees, France | Groningen, Netherlands | England, United Kingdom |

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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 pork and pork-based from ASF-affected countries and importation of poultry products from HPAI-infected countries.

For strict and immediate compliance.

AOCG MEMO NO. 48-2021

In connection with the forthcoming importations of COVID-19 vaccines, you are hereby directed to immediately inform the COVAX Importation Unit, the Central Office Monitoring Team and the COVAX focal persons in your respective ports of all incoming COVID-19 Vaccines within your area of jurisdiction.

You are also directed to fully maximize your access to the advance submissions of the Inward Foreign Manifest (IFM) and require the airlines and shipping lines to strictly comply with the established rules and regulations. Issue Date: January 25, 2021

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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