

NMM

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Customs Brokers

COMPLIANCE BEYOND BORDERS

CUSTOMS GAZETTE

Updates on Customs-Related Matters

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Introduction

Pursuant to Section 204 in relation to Section 1226 and other relevant provisions of Republic Act (R.A.) No. 10863 entitled "An Act Modernizing the Customs and Tariff Administration", otherwise known as "Customs Modernization and Tariff Act (CMTA)", the following guidelines on the accreditation of Importers are hereby consolidated and adopted.

Scope

This CAO shall cover all Importers who will transact with the Bureau in relation to the importation, movement and clearance of goods.

cf. CMTA, Title XII, Chapter 3, Section 1226; cf. CMTA, Title I, Chapter 2, Section 102 (uu).

Objectives

- To simplify the accreditation procedures for Importers including the use of mandatory receipt of electronic notices;
- To enhance the Bureau's risk management and enforcement capabilities, and the introduction of simplified clearance procedures, through the full use of information and data provided by the Importers; and
- To establish and implement an accreditation information management system making full use of the Information and Communications Technology (ICT).

Definition of Terms

Bureau - shall refer to the Bureau of Customs.

CMTA, Title I, Chapter 2, Section 102(i)

Client Profile Registration System (CPRS) – shall refer to the system where client information obtained during the accreditation or registration of various clients and stakeholders are captured and recorded. Enrollment in the Bureau's CPRS shall be mandatory for transactions through the Bureau's automated cargo clearance system.

Declarants of Importer in the Goods Declaration – shall refer to the following persons registered by the Importer as their declarant:

- For natural persons: Importer(s) or his/her representative authorized through a Special Power of Attorney; and
- For juridical entities and other government agencies: Responsible officer(s) authorized through a Secretary's or Partners' Certificate in the case of juridical entities, or by the Head of Office for government agencies.

Geotagged Photos – shall refer to images that undergone the process of adding geographical information to various media in the form of metadata. Metadata are information within the recording file containing any digital identifiers that are captured as part of the actual recording, such as the recording data, time, GPS coordinates (latitude and longitude), and may even include bearing, altitude distance and place names.

cf. Department of Environment and Natural Resources' National Greening Program (DENR-NGP) Geotagging Manual, Series of 2013 & Section 4, Rule 1 of Supreme Court A.M. No. 21-06-08-SC as cited in CMO No. 37-2021.

Importer — shall refer to the person who imports goods into Philippine territory or the consignee, the holder of the bill of lading or air waybill, or other equivalent transport document if duly endorsed by the consignee therein, or, if consigned to order, duly endorsed by the consignor.

cf. CMTA, Title IV, Chapter 1, Section 404.

Indentor — shall refer to a person who, for compensation, acts as a middleman in bringing about a purchase and sale of goods between a foreign supplier and a local purchaser. An Indentor is on the same class as commercial broker or commission merchant.

Schmid v. RJL Martinez Fishing Corp., GR No. 75198, October 18, 1988.

Joint Venture (JV) — shall refer to an association of persons or companies jointly undertaking some commercial enterprise, and which generally, all contribute assets and share risks. A JV requires a community of interest in the performance of the subject matter, a right to direct and govern the policy in connection therewith, and a duty, which may be altered by agreement to share both in profit and losses. It is an organization formed for some temporary purpose.

Kilosbayan v. Guingona, GR No. 113375, May 5, 1994.

Aurbach, et. al. v. Sanitary Wares Manufacturing Corporation, GR No. 75875, December 15, 1989.

Material Information — shall refer to substantive information compliant to the requirements of the Bureau concerning the identity and circumstances of the applicant Importer, in which the absence or misrepresentation thereof may be the basis for the disapproval of an accreditation application, the suspension or revocation of an existing accreditation, including the blacklisting of Importers, as the case may be.

cf. Black's Law Dictionary.

Non-regular Importer — as distinguished from a regular Importer, shall refer to a person or entity who imports goods and consequently transacts with the Bureau on one occasion only covered by a single bill of lading or air waybill within 365 days to be reckoned from the approval of the application for registration as non-regular importer.

cf. CMO No. 04-2014; CMO No. 44-2009, Section 2.1.

Principal Officers — shall refer to the directors and/or officers of the corporation including the President, Vice-President, Treasurer and Corporate Secretary as appearing in the Articles of Incorporation (AOI) or the General Information Sheet (GIS) in case of corporation; Resident Agent or Country Manager in case of foreign corporation; Chairman and Vice-Chairman of the cooperative; Partners in a partnership; Owner of a one-person corporation; or the Sole Proprietor, in case of sole proprietorship. In case of newly established corporation, the incorporators are considered Principal Officers of the corporation. Where the incorporators are juridical persons, the President or chief executive officer of the juridical entity shall be deemed Principal Officers of the applicant company or entity.

Responsible Officers – shall refer to the officers of the Importer who are duly designated and authorized to represent and sign the application for accreditation or registration on behalf of the Importer and to take full responsibility, together with the Principal Officers, in ensuring compliance by the company or organization/agency of its responsibilities as accredited Importer. Such officers shall also act and sign documents, for and on behalf of the Importer, relative to the Importation, movement, and clearance of goods.

cf. CMO No. 11-2014.

Third Party Importer — shall refer to any person who deals directly with the Bureau, for and on behalf of another person, relating to the importation of goods such as an Indentor, commercial broker and commission merchant.

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

General Provisions

- Only accredited Importers can transact with the Bureau using the Bureau's automated customs processing system.
- The customs accreditation shall be valid for a period of one (1) year from the date of its approval, unless otherwise suspended, revoked or cancelled as provided herein.
- The accreditation of an Importer may be automatically renewed by the Bureau for instances provided under this CAO and subject to the submission of the required documentations, as may be applicable.

- The Bureau may allow one-time accreditation privilege to Importers with a high level of customs compliance record under the Authorized Economic Operators (AEOs) and other trade facilitation programs.
- A Processing Fee in the amount of Two Thousand Pesos (Php2,000.00) shall be required for new application or renewal of accreditation.

The fees shall be subject to periodic review in accordance with Section 1301, Title XIII of the CMTA, and applicable rules and regulations.

- All applicants shall register with the Bureau's CPRS in accordance with the existing rules and regulations. They shall disclose therein the Responsible Officers of the Importer, Declarants of the Importer, if any, as well as other Material Information.

The Declarant of the Importer, other than a registered and licensed customs broker, shall be registered with the CPRS and authorized to act as such for only one Importer.

- The accreditation of the following Importers shall be governed by this CAO:
 - Other government agencies or instrumentalities;
 - Foreign embassies, consulates, legations, agencies of other foreign governments;
 - International organizations with diplomatic status and recognized by the Philippine government, including foreign workers and consultants; or
 - Foreign officials and employees of foreign embassies, legates, consular officers and other representatives of foreign governments.

Provided, that the Importers enumerated herein shall be subject to the same responsibilities and penalties as provided under this CAO.

Application Process for First Time or New Applicants

- A first time or new applicant shall file the application by opening a ticket in the Customer Care Portal System and upload the required documents with the hard copies to be submitted to the Accounts Management Office (AMO) or equivalent office, or any other office as may be directed by the Commissioner, through the Customer Care Center.

- The application must state the following information:
 - Type of entity (corporation, partnership, joint venture, government agency, etc.);
 - Tax Identification Number (TIN);
 - Contact Number and Email Address;
 - Line of business (trading, manufacturing, etc.);
 - Location of principal office or branches, and warehouse/storage facilities if available;
 - List of Principal and Responsible Officers of the Importer; and
 - Other information as may be required by the Bureau especially for enforcement/risk management purposes.

The Bureau shall issue the appropriate issuances for the use of a uniform template for the Application Form.

- In support of the application, the applicant shall submit the following pertinent documents:
 - Duly completed application form;
 - Bureau of Customs Official Receipt (BCOR) evidencing payment of Processing Fee;
 - Printed CPRS of the Company and updated notification of "STORED" status, unless dispensed with by AMO or equivalent office. Notarization is not required;
 - Written Authority as Signatory in the Application Form and Authorized Signatories in the Goods Declaration, to wit:
 - Corporate Secretary's Certificate (Corporation)
 - Partnership Resolution (Partnership);
 - Cooperative Resolution (Cooperative);
 - Affidavit of Proprietor as sole signatory (Sole proprietorship);
 - PhilID or PhilSys Number (PSN) issued by the Philippine Statistics Authority (PSA), subject to authentication, or in the absence thereof, two (2) valid government issued IDs (with picture) of Applicant, President and Responsible Officers (i.e., passport, UMID Card, SSS ID, Driver's License, Alien Certificate of Registration and Alien Employment Permit for aliens);
 - Bureau of Internal Revenue (BIR) Registration (Form 2303);
 - Proof of Business Registration, to wit:
 - Copy of Securities and Exchange Commission Registration, Articles of Incorporation and latest GIS (for corporations);
 - Copy of Securities and Exchange Commission Registration, Articles of Partnership (for partnership);
 - Copy of Cooperative Development Authority (CDA) Registration, Articles of Cooperation, Latest Cooperative Annual Progress Report (CAPR) (for cooperatives);

cf. Sections 12 and 13(g). Republic Act No. 11055 as implemented by Rule 2, Sections 12 and 13(h) IRR of RA No. 11055.

- Copy of Department of Trade and Industry (DTI) Certificate of Business Name Registration (for sole proprietorship);
 - Proof of financial capacity to import (Bank Certificate or other forms of financial certification), excluding Top 1000 Taxpayers and those with SGL accreditations;
 - Valid Mayor's Permit where the main office is located;
 - Company Profile with pictures of office with proper and permanent signage, and warehouse/storage facility if available;
 - Location Map of office address, and warehouse/storage facility if available;
 - Proof of Lawful Occupancy of Office Address, and warehouse if available, such as:
 - Lease contract entered into by the applicant;
 - Title of the property in the name of the applicant;
 - Affidavit of Consent from the owner and the title of the property under his/her name in case of usufruct; or
 - Notarized certification from the lessor or owner allowing the sharing of office in case of sublease;
 - Income Tax Return (ITR) for the past three (3) years duly received by the BIR, if applicable;
 - NBI Clearance of authorized signatory in the Application Form, issued within six (6) months prior to the application;
 - Personal Profile of the applicant or authorized signatory in the application, the President, and Responsible Officers.
 - Company Profile with Geotagged Photos of office with proper and permanent signage, and Geotagged Photos of warehouse/storage area, if applicable. The Geotagged Photos shall show, at the minimum, the following information:
 - Location address;
 - Latitude;
 - Longitude; and
 - Date and Time;
 - Endorsement from the District Collector, if applicable; and
 - List of Importables with pictures.
- **Additional Requirements in Case of Joint Venture.** If the applicant is a Joint Venture, the application form shall be signed and submitted by a Responsible Officer duly authorized by the Principal Officers of the respective partners in the Joint Venture agreement. A certified true copy of the Joint Venture agreement shall be attached to the application. The respective partners in the Joint Venture shall likewise submit the required documents provided for under the required application documents section of this CAO unless the document has been secured for purposes of the Joint Venture agreement.

For purposes of accreditation, the Importer shall either be in the name of the entities comprising the Joint Venture agreement or the nominated partner. In both instances, the acronym "JV" shall be suffixed in the registered name of the accredited Importer.

- **Documentary Requirements for applicants from other government agencies and instrumentalities or those enjoying special or diplomatic privileges as enumerated under list of Importers governed by this CAO section above.** Applicants coming from government agencies and instrumentalities and those enjoying special or diplomatic privileges as enumerated under list of Importers governed by this CAO section above shall only be required to submit the following documents:
 - Application Form;
 - BIR Registration (Form 2303) for other government agencies and instrumentalities;
 - PhilID or PSN issued by the Philippine Statistics Authority (PSA), subject to authentication,
 - CPRS; and
 - Document showing the authorized person to sign the application on behalf of the applicant.

The Bureau shall develop a mechanism that allows registration of foreign embassies or international institutions, associations or organizations or their foreign officials and staff in lieu of BIR-issued Tax Identification Number.

The Bureau shall provide a template for the Application Form for importers covered in the list of Importers governed by this CAO.

- **Changes in Documentary Requirements.** The Commissioner may dispense with some of the requirements, or prescribe additional documents, to support the application. The Bureau shall issue separate guidelines detailing any changes in the documentary requirements provided under this CAO.

Application Process for Renewal of Accreditation

- In support of the application for renewal, the applicant shall submit the following documents:
 - Application with updated list of importables with pictures, if any;
 - BCOR evidencing payment of Processing Fee;

cf. Sections 12 and 13(g). Republic Act No. 11055 as implemented by Rule 2, Sections 12 and 13(h) IRR of RA No. 11055.

- Printed CPRS of the Company and updated notification of "STORED" status, unless dispensed with by AMO or equivalent office. Notarization is not required;
- Latest GIS (for corporations) or Latest Cooperative Annual Progress Report (CAPR) (For cooperatives);
- Latest Income Tax Return (ITR);
- Valid Mayor's Permit where the main office is located; g, Certification of No Change in Business Information, indicating therein the documents which remain valid and do not require updating.

If there are updates/changes in the applicant's Business Information, a Certification of Change in Business Information together with the necessary supporting documents must be submitted in accordance with the Reporting of Changes in Business Information section of this CAO.

- Updated proof of financial capacity or import goods (Bank Certificate or other forms of financial certification) (Top 1000 Taxpayers and under SGL Companies are exempted); and
- Updated Geotagged Photo of the applicant's office address, and warehouse/storage facility if applicable.

The information required in the application for renewal shall conform with the required information for the application process for first time or new applicants.

- The applicant shall only submit the electronic copy of the application and supporting documents to the AMO. However, if there are changes in the Business Information as listed under the Business Information section of this CAO, a hard copy of the new document shall be submitted to the Bureau not later than ten (10) calendar days from submission of application online.

Nevertheless, the evaluation of the renewal application shall be based on the electronic copy of the documents.

- The Importer may file the application for renewal with complete supporting documents not earlier than thirty (30) calendar days prior to the expiration of the Accreditation. However, filing of application for renewal less than seven (7) working days prior to expiration shall be considered as late renewal.
- The following are the penalties for late filing of application for renewal:

Period	Fine (on top of Accreditation Fee)
Filing less than seven (7) working days prior to expiration	Php 1000.00
Filing after the expiration of Accreditation	Php 2000.00

- Notwithstanding the foregoing, the Importer shall not be subject to penalties for late renewal under the following circumstances:
 - The accreditation has been suspended and has expired during the period of suspension; or
 - The Importer is a government agency or instrumentality or enjoys special or diplomatic privileges as listed under list of Importers governed by this CAO.
- If the application for renewal was approved prior to the expiration of the validity period, the same shall take effect immediately after the lapse of the original period. However, if the application for renewal has not been acted upon within the prescribed period, the accreditation shall be deemed automatically extended, provided that in case of approval, the renewed accreditation shall retroact to the day immediately after the expiration of the previous accreditation.
- The validity period for late applications for renewal, whether subject to penalties or not, shall be reckoned from the date of the approval of the application.
- In accordance with the General Provisions section of this CAO, an accredited Importer may apply for automatic renewal for accreditation with the Bureau by submitting online to the AMO or equivalent unit at least seven (7) working days prior to its expiration the following:
 - Request for Automatic Renewal;
 - Affidavit of No Charge in Business Information;
 - BCOR showing payment of Processing Fee, for renewal of accreditation; and
 - Clearance from concerned offices within the Bureau indicating the following:
 - No Outstanding Liability from Collection Service, Revenue Collection Monitoring Group (RCMG)
 - No Warrant of Seizure and Detention (WSD) issued against shipments of the Importer, or if a WSD has been issued, the same was resolved in favor of the Importer, from the Intelligence Group (IG)
 - No pending case or has not been the subject of investigation from the Legal Service, RCMG

Republic Act No. 11032, Ease of Doing Business and Efficient Government Service Delivery Act 2018, Section 10.

- Additional requirements as may be determined by the Bureau

The Bureau shall issue a separate Customs Memorandum Order providing for the criteria, parameters and procedures for the automatic renewal of accreditation of importers, including the use of a uniform template in the Clearance for Automatic Renewal.

Action on the Application

- **On-Site Inspection or Verification.** The authorized customs officers or deputized officers shall validate the information contained in the application and its supporting documents by conducting on-site pre-approval inspection and/or post-approval inspection of office, or warehouse/storage facility if available.

The conduct of inspection or site visit of the offices, facilities, premises, and warehouse/storage facility if available, to determine its existence may be outsourced.

In case of pre-inspection, the authorized customs officers or deputized officers shall submit the Inspector's certification to the AMO or equivalent office as additional required documents in the application.

- **Completeness of Submitted Documents.** Upon submission by the applicant, the concerned officer shall conduct preliminary assessment on the application and the completeness of the supporting documents.

For new applications, if the electronic copy of the submitted documents are incomplete, the concerned officer shall immediately notify the applicant of the lacking documentary requirement/s for submission. If the hard copies of the documents are incomplete when required, the same shall be returned to the applicant with instruction to submit the lacking document/s.

An application with incomplete requirements shall not be processed until the submission of the complete requirements, as duly communicated to the applicant.

If the documents are complete, the concerned officer shall officially receive the application.

- **Evaluation of the Application.** An application shall be acted upon within seven (7) working days from receipt of complete documentary requirements. [note: Republic Act No. 11032, Section 9.] The evaluator from the AMO shall compare the information in the CPRS against the documents submitted in support of the application.

If upon evaluation, there are discrepancies or issues that require justification or submission of additional documents, the evaluation officer shall inform the applicant through the BOC portal to immediately submit the same within seven (7) calendar days from posting of the notice. Otherwise, the same shall be disapproved without prejudice to the filing of a new application and the payment of the corresponding fees.

However, if the applicant requests for additional period to submit the required documents, the application may be further processed provided that the period to act on the application shall be reckoned from the date of receipt of the justification or additional document/s.

- **Approval or Disapproval of Application.**
 - The authority to approve or disapprove an application may be directly exercised by the Commissioner or delegated to a Bureau official.
 - In case of approved application, the Importer will be registered with the CPRS which will automatically generate a Certificate of Registration.
 - In case of disapproved application, the denial thereof shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based.
 - The following are grounds for denial of application:
 - Non-submission of justification or additional document as required during evaluation process;
 - Misrepresentation of Material Information; or
 - Submission of false information or document.

In case of misrepresentation of Material Information or submission of false information or document, the Bureau may file appropriate criminal charges against the applicant and shall be barred from transacting with the Bureau.

- **Deferment of Action on the Application.** The Bureau shall defer the action of the application if upon verification, the Importer has an outstanding obligation or unpaid account until the same has been settled.

cf. CMTA, Title XII, Chapter 3, Section 1226.

The applicant shall be duly informed of such deferment through its registered email address and/or through the Bureau's Customer Care Portal System (CCPS).

Responsibilities of the Importer in Relation to Its Accreditation

- **Declaration of Correct Information on the Application.** An Importer shall be truthful in the declaration of information required in the application form and in other accreditation documents and papers, and shall ensure the correctness and veracity thereof.
- **Declaration of Responsible Officers and Designated Declarants.** An Importer shall fully and truthfully declare its officers, declarants, if any, and authorized representatives and shall be equally responsible for the latter's dealings and transactions with the Bureau.
- **Protected and Secured Passwords.** An Importer shall assume full responsibility in protecting and securing passwords or codes in whatever form given by the accredited service provider or its equivalent unit as a consequence of the approval of the accreditation application. It shall be personal and exclusive to the Importer.

cf. CMO No. 11-2014.

The Importer shall undertake, under oath, to monitor the use of passwords or codes and cannot claim good faith or allege the unauthorized use or misuse of the same.

The use of passwords or codes shall be deemed conclusive and attributable to the Importer, unless the unauthorized use thereof is reported through email or through the Bureau's official hotline number prior to the release of the shipment.

The Bureau shall ensure that the Value-Added Service Provider (VASP) or the automated customs system shall send email notification to the Importer and/or broker immediately after lodgement of goods declaration.

The payment of duties, taxes and other charges, through the Importer's Authorized Agent Bank, in relation to the goods declaration, shall likewise validate and confirm the authorized use of such passwords or codes.

- **Reporting of Changes in Business Information.**

- Business Information covers, but not limited to, the following:
 - Written Authority as Signatory in the Application;
 - Bureau of Internal Revenue (BIR) Registration (Form 2303);
 - Securities and Exchange Commission Registration and Articles of Incorporation (for corporations);
 - Cooperative Development Authority (CDA) Registration, and Articles of Cooperation (for cooperatives);
 - Company Profile with pictures of office with proper and permanent signage, and warehouse/storage facility, if available;
 - Location Map of office address, and warehouse/storage facility if available;
 - Proof of Lawful Occupancy of Office Address, and warehouse if available;
 - NBI Clearance of authorized signatory in the Application Form, issued within six (6) months prior to the application;
 - Personal Profile of the applicant or authorized signatory in the application, the President, and Responsible Officers, with copies of PhilID/PSN or two (2) valid government issued IDs with picture and signature; or
 - Any other information provided or disclosed in the Application Form, such as contact number and email address, and in the CPRS.
- In the event of any change in the information, the Importer shall report and submit the related document to the Bureau within ten (10) calendar days from the occurrence thereof in accordance with the format and procedure to be prescribed by the Bureau.
- In case where the change in business information relates to a change in the location of the registered office, the Bureau shall issue an amended Certificate of Registration within seven (7) working days from receipt of the request and complete supporting documents, and shall conduct post inspection of the new office to verify the existence.
- Notices and communications sent to the accredited Importer's e-mail addresses and contact numbers on record shall be deemed received. Failure to receive notices and communication from the Bureau on account of change in any of the business information cannot be used as defense in any Bureau-initiated proceedings against the Importer or its shipments.

cf. CMO No. 11-2014.

- **Third Party Importer.** A Third Party Importer shall at all times maintain a record of the contract it entered into with the ultimate consignee/s or beneficial owner/s of the goods. The supporting documents of the goods declaration such as but not limited to, bill of lading, invoice, or packing list shall clearly indicate that the COPY importation is for account of another party or ultimate consignee. Otherwise, the importation shall be deemed for the own account and benefit of the Importer.

Third Party Importer transacting with the Bureau on behalf of Importers and consignees shall be treated equally as true Importers or consignees. They shall be liable for acts committed in violation of this Act and related laws.

- **Principal Office and/or Branches, and Warehouse/Storage Facility, if available.** The Importer shall at all times keep and maintain a physical office where the principal office of the Importer is located.

The Principal Office must have a designated location or to keep or store its records of Importation, books of accounts, business and computer systems, and all customs commercial data including payment records.

Said principal place of business where the Importer shall maintain its office operations, shall be declared as such in its accreditation application, as well as in all government registrations and permits.

The Importer is likewise required to declare the location of its warehouses/storage facilities, and/or branches, if available

- **Business Name Signage.** For proper identification of its declared place of business, an Importer shall, at all times, permanently keep and maintain a signage of its business name and/or identity, to be displayed conspicuously in the business premises.
- **Attendance to Seminar/Webinar/Trainings or other Fora on Matters Related to Duties and Responsibilities as Accredited Importer and Other Rules and Regulations Issued by the Bureau.**
 - The Importer must attend a total of eight (8) hours seminars/webinars/trainings or other fora on matters related to duties and responsibilities as accredited Importer and other rules and regulations issued by the Bureau within three (3) months after the approval of its application for accreditation. The Importer may request for an extension of another three (3) months.

cf. CMTA, Title XII, Chapter 3, Section 1226.

cf. CMTA, Title XIV, Chapter 1, Section 1427.

cf. CMO No. 23-2009.

Failure to attend the required seminar may result in the suspension of its accreditation subject to due notice.

- The Bureau shall regularly schedule a seminar utilizing information and communications technology for this purpose.

For monitoring purposes, the Interim Training and Development Division shall regularly submit proof of compliance to the AMO or equivalent office.

Responsibilities of the Accredited Importer in Relation to Goods Declaration

- **Accuracy of Goods Declaration.** The Importer shall be responsible for the accuracy of the goods declaration and for the payment of all duties, taxes and other charges due on the imported goods. To ensure the accuracy of the particulars given in the goods declaration, the Importer is allowed to request for the examination of the goods prior to lodgement and draw samples therefrom or after lodgement when there are issues and controversies surrounding the goods declaration and import process.

Inadvertent errors shall be subject to imposition of penalties as provided under Section 108 of the CMTA and its implementing rules and regulations.

In case a warrant of Seizure and Detention (WSD) is issued, a preliminary suspension of the Importer's accreditation for thirty (30) days may be imposed. The preliminary suspension shall be automatically lifted upon the lapse of such period, unless the same is extended by the Commissioner for fifteen (15) days based on meritorious grounds; *Provided*, that where the violation involves the importation of prohibited or restricted goods, the lifting of the suspension, if applicable, shall be done only after the resolution of the forfeiture proceedings.

If the lifting of the suspension is made beyond the validity of the accreditation, the Importer shall apply for renewal of its accreditation without penalty for late application.

- **Submission of True and Authentic Documents in support of the Goods Declaration.** An Importer shall submit documents which are true and authentic. He shall ensure the veracity, authenticity and genuineness thereof in order to preclude the submission of false, spurious and forged documents.

cf. CMTA, Title I, Chapter 2, Section 107.

cf. RKC, General Annex, Chapter 3, Standards 3.8 and 3.9.

cf. CAO 9-2020, Section 6.4.2.

cf. CAO 1-2020, Section 4.1.

cf. CMO No. 11-2014.

Responsibility of the Accredited Importer for Payment of all Duties, Taxes and Other Charges Due on the Imported Goods

The accredited Importer shall be responsible for the payment of all duties, taxes and other charges due on the Imported goods, including fines and surcharges.

The Importer shall pay within fifteen (15) days upon receipt of the demand letter Commissioner, upon recommendation by Assistant Commissioner, Post Clearance Audit Group (PCAG), or by the District Collector or his/her authorized representative. Provided, that in case of demand letters issued by the District Collector, the suspension shall be subject to the approval of the Commissioner after due notice and hearing.

Responsibilities of the Accredited Importer for Post-Clearance Audit Purposes

- **Retention of Records.** For purposes of post clearance audit, the accredited Importer is required to keep at its principal place of business for a period of three (3) years from the date of final payment of duties and taxes or customs clearance, as the case may be, all related records pertaining to the ordinary course of business and to any activity or information contained in the records as required under Section 1003 of Rep. Act 10863.
- **Access to Records.** The Importer must allow customs officers full and free access to the premises where such records are kept, to conduct examination, inspection, verification, and investigation of those records relevant to such investigation or inquiry.
- Other responsibilities provided for under existing CAO and other regulations pertaining to post-clearance audit shall be applied suppletorily.

Responsibilities of the Accredited Importer to Cooperate in the Enforcement of the CMTA

- **Cooperation in Customs Investigations.** During any investigation conducted by the Bureau, an Importer shall fully cooperate when directed to submit pertinent papers and documents, as well as issue statements, affidavits and attestations.

cf. CMTA, Title I, Chapter 2, Section 107.

cf. CMTA, Title IV, Chapter 3, Section 436.

cf. CMTA, Title X, Chapter 2, Section 1002 in relation to Section 1427 and 1428.

- **False Information.** An Importer shall not file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper known by him to be false and fraudulent; nor shall he/she knowingly give or solicit or procure the giving of any false or misleading information or testimony in any matter pending before the Bureau or official representative thereof.
- **Importation of Prohibited, Restricted or Regulated Goods.** The Importer shall not import Prohibited Goods nor shall it import restricted or regulated goods without permit or clearance from the appropriate regulatory agency.

cf. CMTA, Title XIV, Chapter 1, 1403.

Penalties

The following penalties shall be imposed for violation of the responsibilities enumerated under this CAO without prejudice to criminal or other actions that may be initiated by the Bureau against the Importer.

Nature of Violation		1 st Violation	2 nd Violation	3 rd Violation
Light Infractions:				
a.	Failure to cooperate in any customs investigation (Section 11.1)	Warning to suspension up to thirty (30) days	Suspension from one (1) month and 1 day to six (6) months	Revocation
b.	Failure to keep and maintain a signage of its business name and/or identity (Section 8.7)	Warning to suspension up to thirty (30) days	Suspension from one (1) month and 1 day to six (6) months	Revocation
c.	Failure to report changes in business information (Section 8.4)	Warning to suspension up to thirty (30) days	Suspension from one (1) month and one (1) day to six (6) months	Revocation
d.	Failure to strictly abide by the rules and regulations on the full description of goods or lodging or filing of inaccurate goods declaration, misclassification, misdeclaration, undervaluation (Section 9.1)	Warning to suspension from one (1) month to six (6) months	Suspension from six (6) months and one (1) day to one (1) year	Revocation

Nature of Violation		1 st Violation	2 nd Violation	3 rd Violation
e.	Importation of regulated goods with belated submission of import permit/clearance issued by government agency concerned for its shipment (Section 11.3)	Warning to suspension from one (1) month to six (6) months	Suspension from six (6) months and one (1) day to one (1) year	Revocation
Less Grave Infractions:				
a.	Denying an authorized customs officer full and free access to such records, books of accounts, business and computer systems, and all customs commercial data including payment records (Section 11.2)	Suspension from six (6) months and one (1) day to 12 months	Revocation	
b.	Failure to inform the Bureau of the change in the location of offices, facilities, premises and warehouse/storage facility, if available (Section 8.4)	Suspension from six (6) months and one (1) day to 12 months	Revocation	
c.	Failure to keep all the records of importations, books of accounts, business and computer systems and all customs commercial data in the manner prescribed under the CMTA (Section 11)	Suspension from one (1) month and one (1) day to six (6) months	Revocation	
d.	Failure to keep and maintain a physical office including office operations thereat (Section 8.6)	Suspension from six (6) months and one (1) day to 12 months	Revocation	
e.	Failure to pay within fifteen (15) days upon receipt of the demand letter by the Commissioner, unless the Importer has filed an appropriate action questioning the validity of the assessment (Section 10)	Suspension of accreditation until the liability has been paid, provided that the amount shall be at least five thousand pesos (Php 5,000.00)		
f.	Importation of regulated goods without permit or clearance from the appropriate regulatory agency (Section 12.3)	Suspension from six (6) months and one (1) day to one (1) year	Revocation	
g.	Importation of restricted goods under Section 119 of the CMTA with belated submission of import permit/clearance issued by government agency concerned for its shipment (Section 12.3)	Suspension from six (6) months and one (1) day to one (1) year	Revocation	
Grave Infractions:				
a.	Failure to strictly abide by the rules and regulations on the full description of goods or lodging or filing of inaccurate goods declaration, misclassification, misdeclaration, undervaluation or intentional over-quantity of shipments where entire shipment is forfeited in favor of the government. Provided, that the forfeiture is due to willful misdeclaration or undervaluation of imported or exported articles that	Revocation		

Nature of Violation		1 st Violation	2 nd Violation	3 rd Violation
	resulted or would have resulted in the loss of government revenues. (Section 9.1)			
b.	Filing, procuring, or assisting in the filing of any claim, or of any document, affidavit, or other paper known by him to be false and fraudulent, or knowingly giving, soliciting, or procuring the giving of any false or misleading information or testimony in any matter pending before the Bureau or official representative thereof (Section 12.2)	Revocation		
c.	Fraudulent or willful use of the company as Third Party Importer (Section 8.5)	Revocation		
d.	Importation of prohibited goods under Section 118 of the CMTA (Section 12.3)	Revocation		
e.	Importation of restricted goods under Section 119 of the CMTA without permit or clearance from the appropriate regulatory agency (Section 12.3)	Revocation		
f.	Intentional or fraudulent misrepresentation of Material Information or submission of false information or document in relation to its application for accreditation (Section 8.1)	Revocation		
g.	Intentional or fraudulent misrepresentation or submission of false names of officers, declarants, or authorized representatives (Section 8.2)	Revocation		
h.	Lodgement of goods declaration by the Importer other than those approved by the Commissioner to be processed in accordance with Section 17 of this CAO	Revocation		
i.	Submission of false information or documents to support its goods declaration (Section 9.2)	Revocation		
j.	Willfully concealing or destroying any invoice, book, or document relating to any goods liable to duty after an inspection thereof has been demanded by the District Collector, or at any time concealing or destroying any such invoice, book, or document for the purpose of suppressing any evidence of fraud therein contained (Section 11.2)	Revocation		

Mitigating or Aggravating Circumstances

cf. Item VI, CMC No. 32-2017

In the determination of the penalty to be imposed, the following attendant mitigating and/or aggravating circumstances are to be appreciated:

- Business track record or standing;
- Good faith or lack of malice;
- First time offender;

- Admission of the infraction;
- Actual or material loss to the government;
- Wanton disregard of customs laws, rules and regulations;
- Habituality;
- Remorse or the lack thereof; or
- Other analogous circumstances.

Blacklisting and its Effects

- The Importer, responsible officers in case of partnerships, corporations or cooperatives, and the declarant, if any, shall be barred or blacklisted from transacting with the Bureau in case of conviction of a crime involving moral turpitude at any time after filing of an application for accreditation or during the period of its validity.

As an inherent consequence of the sanctions of blacklisting, the Importer, declared responsible officers and declarant, if any, shall be disqualified from applying for customs accreditation under another business name or entity, or from being declared as such under a new customs accreditation application.

- In addition to revocation of accreditation privileges arising from violation of this CAO, the Importer, the declared responsible officers and declarant, if any, may be blacklisted and disqualified from applying for customs accreditation under another business name or entity, or from being declared as such under a new customs accreditation application, and may no longer be allowed to enter customs premises.

Treatment of Suspended, Cancelled, or Revoked Accreditation

- Importers whose accreditation has been suspended, cancelled or revoked shall not be able to lodge or process the goods declaration in the Bureau's automated system.
- The accreditation may be cancelled upon written request by the Importer. All revoked accreditations shall be reflected as "cancelled" until such time that the Bureau's automated system has been accordingly modified to reflect the actual status of the accreditation.
- The suspension or revocation of the Importer's Accreditation may only be set aside or lifted temporarily upon approval of the Commissioner or duly authorized representative, subject to the issuance by the Bureau of procedure for the purpose.

- If the period of suspension is more than the remaining validity period of the accreditation, the Importer may only re-apply for accreditation after the lapse of the period of suspension.
- In case where the penalty of suspension has been set aside, lifted temporarily or served, the accreditation status of the Importer shall be immediately reactivated. Provided that, if the suspension was set aside after the expiration of the accreditation or after the grace period allowed to renew the same, the Importer shall submit a new application with the AMO or equivalent office.
- In case where the revocation of the accreditation has been set aside, the reactivation of accreditation may only be made upon submission by the Importer of documentary requirements for new application and once approved, shall be valid for a new period of one (1) year.

Request for Continuous Processing

- An Importer whose accreditation has been suspended may request to the Commissioner, Attn: Legal Service, for the continuous processing of all its shipments which are still in transit or which arrived at the ports on or prior to the suspension. Upon receipt of the request with complete set of documents and corresponding explanations, if required, the Legal Service shall act on the matter within three (3) days.
- The Importer shall clearly indicate in the request that should it be given due course, 100% physical examination shall be conducted on the goods, regardless of the selectivity screen, on its own account, and that any unauthorized processing of shipments other than those approved by the Commissioner shall be a ground to revoke the accreditation.
- The request shall contain the following:
 - Consignee's name, address and contact number;
 - Bill of lading;
 - List and description of the shipment/s;
 - Certificate of Arrival issued by the Piers and Inspection Division or its equivalent of the concerned Port, and
 - Clearance or permit from the concerned agency for regulated or restricted goods, if applicable.
- Once approved, the AMO or equivalent office shall reactivate the importer's accreditation within twenty- four (24) hours from receipt of the approval, and shall forthwith notify the Importer concerned through electronic mail at its registered e-mail address. Lodgement shall be allowed only for Bills of Lading (BL) listed in the request. The District Collector shall report to the AMO or equivalent office the status of the BL approved by the Commissioner for processing for monitoring purposes.

Compliance with Due Process

The Bureau shall issue procedure to afford due process to the Importer whose accreditation may be suspended, revoked or blacklisted. Provided, that the imposition of penalties shall be subject to the approval of the Commissioner.

To facilitate the conduct of the hearing or any other related proceedings by the Legal Service, the District Collector concerned and the AMO or equivalent office shall provide copies of relevant documents to the Legal Service, including the accreditation profile of the Importer, specifically the number of times the Importer has been suspended.

Remedies for the Importer

- **For Disapproved Application.**

- In cases where the disapproval has been directly exercised by the Commissioner, the applicant may file a Motion for Reconsideration within ten (10) days from receipt of the notice of disapproval which Motion shall be resolved within ten (10) days.
- In cases where the disapproval has been issued by an authorized Bureau official, the applicant may appeal the same before the Commissioner within fifteen (15) calendar days from receipt of the notice of disapproval.

The Commissioner shall act on the said appeal within fifteen (15) calendar days from the receipt thereof.

An appeal fee of One Thousand Pesos (Php1,000.00) shall be paid within the period of appeal. No appeal shall be perfected without the payment of the appeal fee.

These remedies, however, are without prejudice to the filing of a new application, unless the disapproval was due to misrepresentation of Material Information or submission of false information or document.

- **In case of Suspension, Revocation or Blacklisting.**

- The Importer may file a Motion for Reconsideration with the Commissioner within fifteen (15) calendar days from receipt of the decision to suspend or revoke the accreditation, or blacklist the Importer.
- If the Motion for Reconsideration is denied, the Importer may file an appeal within fifteen (15) calendar days from receipt of the denial of the Motion for Reconsideration.

Compliance Monitoring

- The Bureau shall establish an efficient mechanism using ICT-based systems to properly monitor compliance by accredited Importers, such as verification of documents or post-inspection of office, and/or warehouse/storage facility if available, and inclusion of the ultimate consignee in the goods declaration processed by a Third Party Importer.
- The Bureau shall establish an operational procedure and system for the creation of a compliance records database of Importers.
- The AMO or equivalent office shall transmit to the BIR on a quarterly basis the list of accredited Importers for post-accreditation validation of tax compliance.
- The collection, recording, storage, processing, sharing of data and information, and maintenance of data information in the CAO shall be secured and consistent with the principles and policy of R.A. No. 10173, also known as The Data Privacy Act.

DOF Department Order No. 11-2018

Repealing Clause

This CAO repeals all other CAOs and Administrative Orders on Accreditation of Importers. Until such time that a CMO is issued implementing this CAO, provisions of existing CMOS, Memoranda or Circulars not inconsistent herewith shall remain in full force and effect.

Separability Clause

If any part of this CAO is declared unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force or effect.

Effectivity

This CAO shall take effect fifteen (15) calendar days after its publication at the Official Gazette or a newspaper of national circulation.

The Office of National Administrative Register of the UP Law center shall be provided three (3) certified copies of this CAO.

CMO NO. 18-2022

Issue Date: June 20, 2022

KEYWORDS: CAO No. 9-2019, CFWs, Customs Facilities and Warehouses, rules and regulations

Scope

This Order applies to all types of Customs Facilities and Warehouses (CFWs) which include Terminal Facilities, Off-dock/Off-terminal CFWs, Container Yards/Depots, other types of CFWs, and those which may be created by the Secretary of Finance, upon the recommendation of the Commissioner pursuant to Section 803 of the Customs Modernization and Tariff Act (CMTA).

Objectives

- To provide for the guidelines on the establishment, operation, supervision, and control of all types of CFWs including those located outside of the customs zones for purposes of protecting government revenues and imported goods stored therein, and preventing customs fraud.
- To provide a mechanism to monitor the movement of goods stored at the CFWs and account for the goods stored thereat, including abandoned, overstaying and forfeited goods.
- To maintain ideal yard utilization in accordance with the seaport design capacity in order to decongest vital port spaces to ensure accelerated trade movement and port productivity.
- To define the rights and obligations of operators of CFWs and provide for their accountabilities in the operation of their respective CFWs.
- To develop and maintain a CFW management system making full use of Information and Communications Technology (ICT).

Definition of Terms

Airport Temporary Storage Warehouse — shall refer to a customs facility established within the airport premises or off-terminal for purposes of storage, examination, stripping, or safekeeping of imported goods.

cf. CAO NO. 9-2019, Section 4.3.7.

Certificate of Authority to Operate — shall refer to a document issued by the Bureau to persons, natural or juridical, duly authorized to operate an off-dock or off-terminal CFW, or any of the other types of CFWs.

Certificate of Registration — shall refer to the document issued by the Bureau to terminal facilities granted Permit to Operate pursuant to existing contracts with the Philippine Ports Authority (PPA) or other similar regulatory agencies.

Container Freight Station (CFS) - shall refer to a facility duly authorized to accept and store containers loaded with consolidated shipments, for temporary storage, examination, stripping, stuffing, and other related activities as may be allowed under customs laws, rules, and regulations. A CFS may be established either within the seaport or off-dock, as may be allowed under customs laws, rules, and regulations.

Container Yard — shall refer to a facility duly authorized to accept and store container vans intended for international shipping, loaded or empty, for storage within the prescribed period. A container yard may be established either within the seaport or off-dock, as may be allowed under customs laws, rules, and regulations.

Customs Premises — shall include customs offices, facilities, warehouses, ports, airports, wharves, infrastructure and other areas over which the Collection Districts have exclusive control, direction and management for customs purposes.

Customs Facilities and Warehouses (CFW) – shall refer to facilities for temporary storage of goods established and authorized by the Bureau pursuant to Title VIII, Chapter 2 of the CMTA. These include container yards, container freight stations, seaport temporary storage warehouses, airport temporary storage warehouses and other premises for customs purposes.

cf. CMTA, Title VIII, Chapter 2, Section 803.

Dangerous or Hazardous Goods — shall refer to substances, materials and articles covered by the International Maritime Dangerous Goods (IMDG) Code and those defined by law, or those by which on account of their nature, cannot be stored in a general cargo storage and require special handling.

·**Electronic Tracking of Containerized Cargo (E-TRACC) System** - shall refer to a system that enables the Bureau to have real-time monitoring of inland movements of containerized goods using an Information and Communications Technology-enabled system such as the GPS tracking device to secure its transport to the intended destination.

Ecozone Logistics Service Enterprise (ELSE) — shall refer to a PEZA-registered enterprise engaged in warehousing/logistics operations providing for the following services to its Ecozone Export Enterprises (EEE) clients: (1) Procure goods through direct importation, indirect importation, or locally purchased from suppliers in the domestic territory and stores the same for subsequent sale/delivery to its EEE-clients; and (2) provide a facility for the storage and inventory management of the importations of its EEE-clients, for the latter's subsequent retrieval.

cf. PEZA Memorandum Order No. 2017-008.

For purposes of this Order, the rules and regulations herein shall apply only to the extent of the operations of ELSE as CFW Operator for the transfer of the importations of its EEE-clients from the port of discharge to the ELSE Facility for temporary storage.

Goods — shall refer to articles, wares, merchandise and any other items which are subject of importation or exportation.

CMTA, Title I, Chapter 2, Section 102 (x).

Goods Declaration — shall refer to a statement made in the manner prescribed by the Bureau and other appropriate agencies, by which the persons concerned indicate the procedure to be observed in the application for the entry or admission of imported goods and the particulars of which the customs administration shall require.

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

Importation — shall refer to the act of bringing in of goods from a foreign territory into Philippine territory, whether for consumption, warehousing, or admission.

CMTA, Title I, Chapter 2, Section 102 (z).

Inland Container Terminal (ICT) — shall refer to a terminal facility, established in a secure inland location, away from the seaport, near large industrial complexes, where its main functions include handling and storage of containers, general and/or bulk cargoes entering or leaving the facility by any mode of transport such as road, railways or inland waterways. In addition, other value-added services may be provided for customs activities such as import/export inspection and clearance, subject to the approval of the District Collector and strict compliance to relevant customs laws, rules and regulations. For purposes of this Order, Inland Container Terminal shall also refer to Inland Container Depot.

Inventory Management System (IMS) — shall refer to the automated system to be adopted by the CFW operator as a tool to track and monitor the real-time movement of cargo entered into and withdrawn from the off-dock/off terminal CFW.

Online Cargo Release System (OLRS) — shall refer to an online service which enables the port or arrastre operators and other CFW operators to receive release instruction from and transmit confirmation or misroute OLRS message to the Bureau ICT system.

Security — shall refer to any form of guaranty, such as a surety bond or cash bond which ensures the satisfaction of an obligation to the Bureau.

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

Security Warehouse — shall refer to a type of Customs Facility Warehouse accredited by the Collection District where goods seized or forfeited as a consequence of the Bureau's exercise of its enforcement functions outside of Customs premises are stored for eventual disposition.

Seaport Temporary Storage Warehouse — shall refer to a customs facility established within the seaport premises or off-dock for purposes of storage, examination, stripping, stuffing, or safekeeping of imported goods.

Permit to Transfer (PSAD)/Transfer Permit — shall refer to the customs document authorizing the transfer of imported Goods from the port or airport terminal to the designated CFW or from one CFW to another CFW, all within the same Collection District.

General Provisions

- **Establishment of CFWs.** When the business of the port and trade requires such facilities, the Collection District, subject to the approval of the Commissioner, shall designate and establish CFWs for the storage of imported goods or for other special purposes.
- **Supervision and Control over CFWs.** All CFWs including their expansion, extensions and additional facilities shall be considered as part of customs premises subject to the supervision and control of the Collection District which shall impose such conditions as may be deemed necessary for the protection of government revenue and of the goods stored therein.
- **Authority to Operate.** The Bureau shall be responsible for the issuance of an Authority to Operate a CFW, including the imposition of different sets of requirements for their establishment, maintenance and operation, setting forth the rights and obligations of operators, and the penalties and sanctions for violation of these rules.

- **CFWs with Existing Contract Granted by Port Authorities.** Operators of terminal facilities with existing contracts granted by the Philippine Ports Authority and other port authorities shall be authorized to operate as CFW, provided they comply with the additional requirements and conditions as may be imposed by the Bureau for the effective exercise of jurisdictional control over ports and terminal facilities.
- **Off-Dock CFWs under Jurisdiction of More than One Collection District.** For Off-Dock CFWs catering to shipments transferred from multiple ports of discharge, separate authority shall be secured from these Collection Districts where these were respectively discharged.
- **Non-Transferability of Authority to Operate.** The Authority to Operate a CFW shall be non-transferrable. In case of merger, sale, assignment, or other modes of transfer, the surviving entity which is not the grantee of an Authority to Operate issued by the Bureau must apply for a new Authority following the prescribed procedure under existing rule and regulations.
- **Types of CFWs.**
 - **Terminal Facility.** A customs facility duly authorized to operate ports and offer services such as but not limited to receiving, handling and checking as well as custody and delivery of conventional breakbulk or stripped or stuffed containerized cargo over piers or wharves in transit sheds or warehouse and open storage areas.
 - **Off—Dock/Off Terminal CFW.** A customs facility established outside the seaport/airport duly authorized to accept the temporary storage of goods whether LCL or containerized, for consumption, warehousing, transit, transshipment and export, including the examination, stripping and stuffing of consolidated shipments and other related activities. It is considered part of customs premises under the exclusive control, direction and management of the Bureau.

For purposes of this Order, Off—Dock/Off Terminal CFW includes Container Yards (CY)/Depots, Container Freight Stations (CFS), Seaport/Airport Temporary Storage Warehouse, Inland Container Terminals, and other storage facilities established away from the seaport in an inland location.

- **Other Premises Used for Customs Purposes as CFW.** For the protection of government revenues, prevention of entry of contrabands, and other customs fraud, CFWs shall extend to examination areas, wharves, infrastructure and

other premises which may be established outside the seaports/airports, where goods subject to customs clearance may be stored, examined, or disposed. Customs control over these premises as CFWs shall be without prejudice to the general powers of the Local Government Units (LGUs), the Philippine Coast Guard (PCG) and law enforcement agencies in the exercise of their respective functions.

- **Assignment of Personnel.** In pursuit of its supervisory and control functions over customs premises, the District Collector shall assign customs personnel to monitor and implement control measures for customs purposes, in accordance with its existing organizational structure and staffing pattern.
- **Creation or Dissolution of CFWs.** The Secretary of Finance may, upon the recommendation of the Commissioner, create or dissolve certain types of CFWs subject to consultation with the National Economic and Development Authority (NEDA) and the Department of Trade and Industry (DTI) based on prevailing economic circumstances. However, this is without prejudice to existing contracts of private operators with the appropriate government agencies.
- **General Requirements in the Operation of CFW.**
 - **Secure and Safe Environment.** Operators shall ensure a secured and safe environment for persons and goods stored in the facilities by implementing effective security measures, such as the employment of a 24-hour security scheme and the installation of CCTV and similar devices as required under this Order based on internationally accepted safety standards and best practices.
 - **Installation of Non-intrusive Inspection Machines, Provision of Areas for Physical Examination and Facilities Suitable for the Nature of Cargoes being Handled.** CFW operators shall provide designated areas for physical examination and non-intrusive inspection, including open areas for stuffing and stripping, loading and unloading, and Container Hold Area (CHA) or the area designated for seized items.

The CFW shall also provide suitable areas with appropriate facilities for cargoes which require special handling such as temperature-controlled areas or compartments for temperature sensitive shipments, secured storage for valuable shipments, and separate areas for electronic goods, express cargoes, dangerous goods, returned cargoes, livestock quarantine, plant quarantine, etc., if applicable.

- **Provision for a Suitable Working Space of Bureau Personnel.** The CFW operator shall provide customs personnel with suitable working areas and office equipment and supplies necessary to perform their basic functions. The working area for customs personnel must be adequate enough to also store records in the custody of the Bureau personnel assigned thereat until their disposition pursuant to the pursuant to the National Archives of the Philippines (NAP) "General Records Disposition Schedule".
- **Designation for Abandoned, Overstaying and Forfeited Goods within the CFW.** For proper accounting and inventory, CFWs shall designate special areas for the temporary storage of abandoned, overstaying and forfeited goods. Disposition of abandoned cargoes shall be made pursuant to existing rules and regulations.
- **Report on Overstaying Cargoes and Empty Containers.** CFW operators, through the Wharfinger-in-Charge or Warehouseman-in-Charge assigned at the CFW, shall provide a weekly report to the District Collector of all overstaying goods including empty containers transferred to the facility.
- **Loss and Damage of Goods Stored in CFWs.** In case of loss or damage of the goods stored in CFWs due to the gross negligence or willful misconduct of the operator, the operator shall be liable for the payment of duties and taxes due. The government assumes no legal responsibility over the safekeeping of goods stored in any customs warehouse, yard, or premises, unless due to its personnel's gross negligence or willful misconduct.
- **Inspection of CFW and Inventory of Goods Stored Thereat.** The District Collector or his/her authorized representative shall conduct regular inspections of offdock/off-terminal CFWs and annual inventory of goods stored therein under the jurisdiction of the Collection District. His/her authorized representatives shall be covered by appropriate Mission Orders which shall contain their names and the time and date of inspection. Inspection of off-dock/off-terminal CFWs shall also include validation of the structural lay-out of the CFWs as approved by the Port.
- **Cooperation in Customs Investigation.** During any investigation conducted by the Bureau, the operators shall make available pertinent papers and documents as well as issue statements, affidavits, and attestation and allow the processing of any information or documents already submitted to the bureau.

CAO No. 9-2019, Section 3.1.

CAO No. 3-2020.

CAO No. 17-2019, Section 424; CAO No. 8-2019, Section 9.

- **Annual Supervision Fee.** The CM operator shall pay an annual supervision fee in the operations of CFW in accordance with the schedule provided under pertinent rules and regulations.

Off-Dock/Off Terminal Customs Facilities and Warehouses

- **Procedure for Application for the Issuance of Authority to Operate an Off-Dock or Off-Terminal CFWs.** Any person or firm desiring to establish and operate an off-dock/off-terminal CFW shall apply in writing to the Collection District where the proposed CFW facilities are to be located describing the premises, location, capacity, and purpose/s.
 - **Documentary Requirements.** The applicant shall submit a duly filled-up Application to Operate an Off-Dock/Off Terminal CFW together with the following required documents:
 - Securities and Exchange Commission (SEC) Articles of Incorporation, Department of Trade and Industry (DTI) Certificate of Business Registration, Bureau of Internal Revenue (BIR) Certificate of Registration and Mayor's Permit;
 - Location and layout of facility, including the areas for examination, storage of forfeited and abandoned goods, releasing, loading and unloading area and areas for customs offices;
 - Lease Contract or Certificate of Title to the real property where the proposed CFW is located;
 - List of equipment as applicable;
 - Audited financial Statements for the last two (2) years immediately preceding the date of application, if applicable;
 - Lay-out for the designated examination area and nonintrusive inspection equipment facility as may be applicable; and
 - Feasibility Study. The Project Feasibility Study shall present the viability of the operation for a period of five (5) years.
 - **Physical Inspection of Facilities.** Upon receipt of the application, the District Collector shall immediately refer the same to the Deputy Collector for Operations for the conduct of physical inspection of the proposed CFW and determination of the completeness of the documents submitted in support of the application.

The Deputy Collector for Operations shall then immediately refer the application to the Chief, Piers and Inspection Division (PID)/equivalent unit or office concerned for the conduct of inspection and submission of the Inspection Report within seven (7) working days. The following shall be considered in the preparation of the report:

- Accessibility of the location of the proposed CFW to all means of land transportation;
 - Structural compliance of the proposed CFW with the National Building Code and zoning requirements of the local government unit concerned;
 - Design and configuration of the proposed CFW to accept and store cargoes, provide suitable areas for physical examination or non-intrusive inspection machines;
 - Capacity of the facility to store cargoes in terms of Twenty Equivalent Units (TEUs); and
 - Security measures in place.
- **Security Requirements.** The inspection team of the PID or office concerned must check that the applicant has a written and verifiable procedures on the following:
- Physical Security (e.g. fences, gates, parking, building structures, locks and keys, lighting, alarm systems and video surveillance cameras);
 - Physical access controls (e.g. security personnel, employee ID system, searches, visitors or vendors verification);
 - Security procedures for service providers and vendors, if applicable;
 - Procedural security (e.g. cargo control, shipping and receiving, container opening and release);
 - Security training and awareness of personnel of CFW operator; and
 - Information Technology Security (e.g. password, accountability).
- **Evaluation of Application.**
- Upon receipt of the application and complete supporting documents, including the Inspection Report from the PID or office concerned, the Deputy Collector for Operations shall submit his/her recommendation to the District Collector within three (3) working days from receipt of the report.
 - Within five (5) working days from receipt of the report and the recommendation, the District Collector, if he/she finds merit in the application shall recommend its approval to the Commissioner through the Deputy

Commissioner, AOCG, attention: Director, Port Operations Service (POS), forwarding the complete records of the application. The District Collector may deny the application at any stage of the evaluation process in cases where the application is attended with fraud or material misrepresentation, or the applicant does not meet the regulatory requirements to operate a CFW. In case of denial, the District Collector shall send a notice to the applicant stating clearly the grounds for the denial of the application.

- Upon receipt of the records, the Deputy Commissioner, AOCG shall direct the Director, POS to review the application and submit his/her findings and recommendations within ten (10) working days upon receipt thereof.
 - Within five (5) working days from receipt of the final evaluation report from the Director, POS, the Deputy Commissioner, AOCG shall endorse the final evaluation report and the recommendation to the Commissioner for final approval of the application.
 - Within five (5) working days from receipt of the final evaluation report and recommendation from the Deputy Commissioner, AOCG, the Commissioner shall approve the same and issue the corresponding Certificate of Authority if the application is found in order.
 - In cases where the Commissioner denies the application for Authority to Operate a CFW, the Deputy Commissioner, AOCG shall forward the denial to the District Collector concerned within three (3) days from receipt thereof. The District Collector shall inform the applicant of the denial of the application within three (3) days from receipt thereof.
- **Procedure and Remedies in Case of Denial of the Application.**
- An applicant whose application for Authority to Operate a CFW or its renewal was denied by the District Collector may file an Appeal with the Commissioner through the Legal Service within fifteen (15) days from receipt of the Notice of Denial, copy furnished the Chief, Port Operations Coordinating Division (POCD) of the AOCG and the District Collector.
 - The Legal Service, within twenty (20) days from receipt of the Appeal, shall recommend action on the application based on the grounds clearly stated in the Appeal.

- The Commissioner, within five (5) days from receipt of the recommendation of the Legal Service, shall affirm or reverse his previous denial of the application.
- The applicant whose application was denied by the Commissioner, instead of filing an Appeal, may choose to file a new application.
- **Certificate of Authority to Operate.** Upon approval of the off-dock/off-terminal CFW application, the Commissioner shall issue a Certificate of Authority to Operate a CFW. Such certificate shall be conspicuously displayed at all times at the off-dock/off-terminal CFW and its extension offices, if any.
- **Validity of the Authority to Operate.** The Authority to Operate an off-dock or off-terminal CFW, including any additional facilities, shall be valid for three (3) years counted from the date of the approval of the application for establishment, as stated in the Certificate of Authority to Operate. If the term of the lease of contract submitted during the application is less than three (3) years, the validity of the Authority to Operate shall be coterminous with the lease contract unless a new contract of lease with a longer period is submitted. In such case, the Authority to Operate shall be amended to its maximum period of three (3) years counted from its date of original issuance.
- **Amendment of Certificate of Authority to Operate.**
 - The Certificate of Authority may be amended upon the request of the Off-Dock/Off-Terminal CFW operator based on the following instances:
 - Change of company name;
 - Change of the name of the street or building number without actual change of the physical location of the CFW;
 - Submission of a new lease contract covering the CFW for a period; and
 - Such other changes which do not substantially alter the conditions specified in the existing Authority to Operate CFW.
 - The said notice and request must be accompanied by an affidavit of Change of Circumstance together with supporting documents which shall be submitted within ten (10) working days from the change in the business information.
 - The District Collector shall, within three (3) days from receipt of the request, direct the PID or office concerned to confirm or validate the changes reported.
 - The PID or office concerned shall validate the information and submit its reports within seven (7) days from receipt of the directive of the District Collector.

- The District Collector shall, within three (3) days, from receipt of the report of the PID or office concerned shall approve the request for amendment and endorse the same for updating of the record of the CFW in its database to the Chief, POCD. The Chief, POCD shall within three (3) days from receipt of the endorsement of the District Collector shall likewise prepare the amended Certificate of Authority for signature of the Commissioner.
- The Commissioner shall, within three (3) days, sign the amended Authority to Operate and return the same to the POCD for subsequent issuance to the CFW operator.
- The CFW Operator, upon receipt of the amended Authority to Operate, shall surrender the previously issued Authority to operate to the District Collector concerned for records purposes.
- **Renewal of Authority to Operate.** At least ninety (90) days before the expiration of the Authority to Operate, the off-dock/off-terminal CFW operator shall file the application for renewal of Authority to Operate.
 - **Requirements.** The CFW operator shall file the application for renewal of Authority to Operate with the Collection District, attaching therewith the following:
 - Income Tax Return duly filed with the BIR for the past three (3) years, certified true copy of Mayors' Permit, audited financial statement, and year-end inventory report; and
 - Updated documentary and security requirements as provided in the Documentary Requirements subsection of this Order.
 - **Inspection and Certificate of No Accountability.** At least ninety (90) days before the expiration of the Authority to Operate, the off-dock/off-terminal CFW operator shall file the application for renewal of authority to operate.
 - Legal Service;
 - Customs Intelligence and Investigation Service (CIIS);
 - Enforcement and Security;
 - Law Division;
 - Bonds Division insofar as posting of the required Security;
 - PID or Office concerned
 - **Automatic Extension.** The Authority to Operate shall be deemed automatically extended in case the Commissioner fails to issue the renewed Authority to Operate prior to the expiration of the original Authority unless terminated. The automatic extension shall last until the regular Authority to Operate is issued. The effectivity of any Authority to Operate issued pursuant to this Section shall retroact to the first day immediately after the expiration of the previous authority.

- **Application for Establishment of Extension or Additional Facilities.**
 - Application for establishment of extension or additional facilities shall be filed with the Collection District which has jurisdiction over the main facilities.
 - Where the proposed extension or additional facility is located in a place outside the jurisdiction of the Collection District where the main CFW is situated, such shall be treated as a new application. Accordingly:
 - Rules for the establishment of a new Off-Dock or Off-Terminal CFW shall apply; and
 - Control and supervision over the off-dock or off-terminal CFW can only be exercised by the Collection District who has jurisdiction over the location.
 - The evaluation and action on the application for establishment of extension or additional facilities shall follow the procedures in the evaluation of applications to establish CFWs under the Procedure for Application for the Issuance of Authority to Operate an Off-Dock or Off-Terminal CFW section hereof except for extension or establishment of additional facilities of private terminal operators, in which case such extension shall be duly noted by the District Collector concerned and the POCD.
- **Post-Approval Requirements.** The applicant upon receipt of the approval of the Commissioner of Customs shall further comply with the following requirements before operations begin:
 - **Posting of Annual Security.** CFW Operators shall post non-chargeable annual security to cover for the duties and taxes due on lost or damaged goods while in transit or stored in the facility. The Security shall be in the amount of Five Million Pesos (Php5,000,000.00) or equivalent to the average duties and taxes for goods or empty containers transferred to the facility' for the last 12 months, whichever is higher.
 - **Registration of CFWs under the CPRS.** All CFWs granted with Authority to Operate shall be registered with the BOC's Customs Profile Recording System (CPRS) as CFW operator. Provided, that the CPRS shall be immediately updated or activated within the validity period of the Certificate of Authority to Operate subject to submission of annual updates of company pertinent paper.
 - **On-Line Release System (OLRS).** Accredited CFWs shall be required to set-up their own On-Line Release System (OLRS) which shall be linked to the Bureau's computer system for the electronic transmission of instruction messages from the Bureau to the concerned operator of the CFW granting these entities authority to release the goods to the rightful owner.

- **Inventory Management System.** Off-dock/Off-terminal CFWs with Authority to Operate shall within thirty (30) days from the grant thereof and before actual operation, subscribe to the Inventory Management System (IMS) and comply with the uploading of the required documents and data to the system as required under CMO No. 21-2021.
- **Customer Support System.** The CFW operator shall provide on a 24/7 basis its own customer support system to address the concerns of stakeholders.
- **Assignment of CFW Number.** Before the CFW shall be allowed to operate, the POCD under the Office of the Deputy Commissioner, AOCG, shall assign a CFW number for all CFWs given an Authority to Operate after the effectivity of this Order. The CFW number shall follow a unique alpha-numeric sequence of letter/s and four numbers to identify the type of CFW.
- **Requirements During Operations.**
 - **General Requirements in the Transfer of Cargoes to Off-dock/Off-terminal CFWs.** The following shall be required for all transfers of imported cargoes to Off-Dock/Off-Terminal CFWs.
 - **Transfers to Off-dock/Off-Terminal CFW.** Goods for transfer to Off-dock/Off-Terminal CFWs shall, unless otherwise provided herein or other CMOS, be covered by a Special Permit to Transfer (P-SAD) duly filed by the deconsolidator/cargo forwarder, consignee/importer, CFW Operator or authorized representative, whichever is applicable.
 - **Permit to Transfer - Single Administrative Document (P-SAD).** For transfers to Off-Dock/Off-terminal CFWs, the consignee/importer or authorized representative shall lodge the P-SAD goods declaration in the e2m system through any of the BOC accredited Value-Added Service Providers (VASPs) and subsequently file the same together with the supporting documents with the Office of the Deputy Collector for Operations for evaluation and final assessment of the fees and charges due thereon. The P-SAD shall serve as the authority of the Wharfinger/Warehouseman to receive the shipment at the premises of the CFW.
 - **Electronic Tracking of Containerized Cargo (E-TRACC) System.** For containerized shipments, the concerned customs officer shall ensure that the consignee/importer has been enrolled in the Electronic Tracking of Containerized Cargo (E-TRACC) System and that each container for transfer has been booked with the service provider for arming of E-TRACC device in accordance with CMO No. 04-2020, before the final assessment thereof.

Containers transferred from the port of discharge to the off-dock CFW without being secured with the ETRACC device shall not be allowed to be opened by any Customs Officer without the approval of the District Collector of the port of destination in coordination with the port of discharge. This is without prejudice to the imposition of any penalty or sanctions that may be applicable under the circumstances in accordance with CMO No. 4-2020.

Pending full implementation of the E-TRACC at the airports, the transfer of air shipments through cargo igloos to Off-Terminal CFWs shall be under-guarded by an assigned Customs Guard by virtue of a Mission Order issued for that purpose and the duly issued Transfer Note.

o **Procedure for the Transfer of Cargoes to Specific Types of Off-Dock/Off-terminal CFWs.**

- **Container Freight Stations (CFS).** The deconsolidator/cargo forwarder, consignee/ importer, CFW Operator or authorized representative, whichever is applicable shall lodge the P-SAD goods declaration in the e2m system through any of the BOC accredited VASPs. The printed copy of the P-SAD and supporting documents shall be filed with the Office of the Deputy' Collector for Operations for evaluation and final assessment of the fees and charges due thereon. The P-SAD shall serve as the authority of the Wharfinger/Warehouseman to receive the shipment at the premises of the CFW.

The Wharfinger shall receive the goods duly covered by P-SAD in the premises of the CFW. After the containers have been properly disarmed of the E-TRACC device in accordance with the procedure provided under CMO No. 4-2020, the Wharfinger shall then approve the stripping of the container using the functionality in the IMS.

The Wharfinger shall check the cargo details indicated in the electronic cargo manifest against the actual details of the cargo upon stripping as indicated in the Stripping Tally Sheet, thus:

- In case of discrepancy, such as, but not limited to over-landed/short-landed shipment, the concerned Wharfinger shall render a report of his findings to the District Collector with due notice to the CFW

Operator for the proper tagging of the subject House BL (HBL). Said discrepancy shall be checked by the Wharfinger assigned if the said discrepancy has been reflected in the Goods Declaration filed for the subject HBL and the appropriate duties and taxes has been assessed and paid accordingly.

- In case the discrepancy is over-shipment or overlanded, the Wharfinger shall not allow the release of the excess quantity If the same is not included in the Good Declaration processed at the Port. In such case, the Goods Declaration shall be cancelled and a new one shall be filed reflecting the actual quantity of the shipment actually received at the CFW. The goods in excess of the quantity reflected in the Goods Declaration if not claimed shall be deemed impliedly abandoned and shall be disposed in accordance with applicable rules and regulations on disposition of abandoned cargoes.
 - Where the cargo has no markings or labels or such markings or labels have become unintelligible so as no to be able to identify the consignee, the Wharfinger shall take note of the same in the Stripping Tally Sheet as reference for future request for relabeling.
- **Airport Temporary Storage Warehouses.** The Warehouseman shall receive the goods from the air cargo carrier duly covered by Transfer Note in the premises of the CFW. The warehouseman shall check the cargo details between that indicated in the electronic cargo manifest and the actual details of the air-shipments upon de-stuffing as indicated in the receiving cargo list, thus:
- In case of discrepancy, such as, but not limited to over-carried shipment, under-carried shipment, found-cargo, overlanded, or short-landed, the concerned Warehouseman shall render a report of his findings to the District Collector with due notice to the CM Operator for the proper tagging of the subject Air Waybill (AWB). Said discrepancy shall be checked by the Warehouseman if the said discrepancy has been reflected in the Goods Declaration filed for the subject AWB and the appropriate duties and taxes has been assessed and paid accordingly.

- Where the cargo has no markings or labels or such marking or labels have become unintelligible so as not to be able to identify the consignee, the warehouseman shall take note of the same in the receiving cargo list as reference for future request for relabeling.
- **Container Yard/Depot or Other Facilities Established Pursuant to this Order.** The transfer of cargoes for temporary storage to the facility shall be subject to the following conditions:
 - Only containerized shipments which have been duly cleared by the port of discharge but remain unreleased by the owners thereof may be transferred to the CFW for temporary storage;
 - The CFW Operator shall provide their own/hired trucks or trains for the transfer of the cargoes from the port of discharge to the facility;
 - Under circumstances when it is necessary to transfer containers to the facility in order to improve the yard utilization in the port, overstaying cargoes which have been forfeited/abandoned or subject of a pending case may only be transferred for temporary storage therein, upon approval of the District Collector provided the facility where the goods are to be transferred is under the jurisdiction of the same Collection District.
 - The CFW operator shall provide the port concerned a weekly report on the movement of all containers transferred to the facility and shall report all shipments transferred under the condition that they are containerized shipments which have been duly cleared by the port of discharge but remain unreleased by the owners thereof which have remained unclaimed after thirty (30) days for institution of abandonment proceedings and eventual disposition.
- **Inland Container Terminal (ICT).** The Warehouseman shall receive the cargoes in the premises of the ICT after checking the information in the P-SAD as against the cargoes actually delivered. After the containers or carriers have been properly disarmed of the E-TRACC device in accordance with the procedure provided under existing regulations, the cargoes shall be transferred to the facility designated in the ICT, for storage and other handling services subject further to the following conditions:

- Goods intended for transfer shall be electronically lodged, at least twelve (12) hours prior to arrival of the vessel or upon manifest submission by the shipping lines/airlines to undergo selectivity;
 - Goods subject for transfer must be manifested;
 - Goods intended for transfer must not be subject to any alert of hold order;
 - The transfer shall be limited to the importations of the users thereof in accordance with the Facilities and Corresponding services of Inland Container Terminals, identified later in this CMO;
 - The CFW Operators shall provide their own/hired trucks/trains or other conveyances for the transfer of the cargoes from the port of discharge to the ICD.
- **Ecozone Logistics Service Enterprise (ELSE) Facility.**
- **Storage Facility for Subsequent Withdrawal and transfer.** The Warehouseman shall receive the imported goods duly covered by P-SAD, in the premises of the CFW for temporary storage in the facility or warehouse for subsequent withdrawal and transfer to ELSE's Ecozone Export Enterprise (EEE) Clients. The consignee of the goods for transfer to the ELSE must be the forwarder/consolidator indicated in the Master Bill of Lading.

For containerized shipments, after the same have been properly disarmed of the E-TRACC device in accordance with the procedure provided under existing regulations, the Wharfinger-in-Charge (WIC) shall then approve the stripping of the container using the functionality in the IMS. The WIC shall check the cargo details between that indicated in the PSAD and the actual details of the cargo upon stripping as indicated in the Stripping Bureau of Customs Tally Sheet or receiving cargo list.

Only importations consigned to PEZA-registered enterprises shall be allowed for transfer to an ELSE as a CFW for subsequent withdrawal under transit Administrative Officer V procedures or for consolidation prior to transfer to their port of loading, in the case of exports.

- **Cargo Clearance Procedure.** The cargo clearance procedure under existing customs rules and regulation for consumption, warehousing, and transit goods declaration shall be observed for LCL shipments transferred to CFWs.

- **Physical Examination of LCL shipments.** LCL shipments selected "RED" under the Bureau's Selectivity System shall be physically inspected at the destination CFW as part of the cargo clearance process.

Physical examination of LCL shipments tagged as "Orange" with suspicious image shall likewise be examined at the CFW.

- **Cargo Clearance Unit.** For the clearance of shipments transferred from the Port of Discharge to the ICT, the Bureau may establish a clearance unit in the CFW which may be composed of Customs Examiners, representatives from the Enforcement Group (EG), Intelligence Group (IG) and other concerned offices.

The Port shall coordinate with the Terminal Operator for the provision of the necessary ICT-infrastructure to facilitate the cargo clearance of goods transferred to the ICT.

- **Hold/Alert Order.** For consolidated shipments, when a certain HBL is subject of an alert or hold order, this shall not prevent the transfer of the container to the CFW for stripping. The shipment shall be processed in accordance with the rules and regulations on the processing of shipments subject of Alert or Hold Orders.

Processing of Hold/Alert Orders issued against LCL shipments transferred to off-dock/off-terminal CFWs shall follow existing rules and regulations on the processing of hold/alert orders.

For shipments issued with Hold/Alert Order after the transfer to a CFW other than container freight stations, the conduct of 100% physical examination, the lifting thereof for continuous processing, or issuance of a Warrant of Seizure and Detention (WSD), as the case may be, shall comply with the procedure under existing customs rules and regulations.

- **Seizure.** Cargoes under seizure proceedings shall be transferred to a Container Hold Area (CHA) or the area designated by the CFW operator for seized items. Accordingly, the cargoes shall be appropriately tagged in IMS to prevent the release thereof pending seizure proceedings. The Auction and Cargo Disposal Division (ACDD) or equivalent unit shall be given access in the IMS in order to properly reflect the status of the shipments under seizure and forfeiture proceedings.

- **Overstaying Cargoes.** The existing rules and regulations on the abandonment of cargoes shall be observed. For proper disposition of overstaying cargoes, the concerned Wharfinger or Warehouseman shall submit a weekly report generated in the IMS to the District Collector, through the Chief, Law Division.
- **Release of Cargoes.** Upon the receipt by the IMS of release instructions (OLRS) transmitted by the BOC e2m system, the CFW Operator shall issue the gate pass for the release of the cargo. The Wharfinger or Warehouseman shall validate the details in the gate pass as against the details in the IMS for the particular BL by matching the same in the declaration in the hardcopy of the processed goods declarations and the gate pass. If in order, he shall then approve the release of the cargo as indicated in the IMS and tag the shipment as "approved" in the IMS.
- **Rates to be Charged by Off-Dock and Off-Terminal CFW.** Pending the issuance of a new Customs Administrative Order (CAO) providing for the rates to be charged by CFWs established under this CMO, the rates as provided under existing regulations shall continue to be in force and effect.

The following Incidental or pass-on charges for expenses incurred by Off-dock/Off-terminal CFW operators may be collected as reimbursements:

- Fees for the return of Empty Container being charged by Truck Operators;
- Control Fees being charged by the Shipping Lines;
- Parking Fee being charged by the Shipping Lines;
- Detention, demurrage or storage fees on empty and loaded containers being charged by the Shipping Lines and/or Terminal Operators;
- Electronic Tracking of Containerized Cargo (ETRACC) System fees being charged by the service provider;
- X-ray Fees being charged by the service provider if applicable;
- Terminal Appointment Booking System (TABS) fees being charged by Terminal Operators;
- Container maintenance fees being charged by the Shipping Lines; and
- Warehouse Inventory System Fees being charged by the service provider

The foregoing incidental charges incurred by off-dock and off-terminal CFW operators shall be proportionately charged to the consignee, as supported by an official receipt.

At the request of the importer, the off-dock and off-terminal CFW shall present the details or the source of the incidental charges, including the manner by which the pro-rating has been computed.

In no case shall the charge be twice collected if the importer has already paid the same.

Any other fees not enumerated herein shall be subject to approval of the Bureau.

o **Suspension or Closure of CFW.**

- The District Collector, without prejudice to the imposition of administrative penalties and filing of criminal cases against the responsible person, shall cause the suspension or closure of any CFW under the following grounds:
 - In case of discontinuance requested by the CFW operator or when the conditions warrant pursuant to Section 807, Chapter 2, Title VIII of the CMTA;
 - When the operator knowingly facilitates or assists in the commission of smuggling and other illegal activities in the CFW;
 - In case of pilferage of goods stored in the facility;
 - Failure to account for goods stored;
 - Being inactive for a continuous period of at least one (1) year, i.e. no transfer of imported goods;
 - Failure to submit the required documents for renewal under Sections 5.6 of CAO 9-2019;
 - Violation of customs laws, rules and regulations; and
 - Other practice or violation of law which negates the intended purpose for which the CFW was established.
- **Closure/Suspension Proceedings.** Except in cases of voluntary discontinuance, the following shall govern the procedure for the closure or suspension of an off-dock/off-terminal CFW:
 - Notice of Violation. The District Collector, through the Law Division - upon report of violation or existence of any of the grounds enumerated in the preceding paragraph, by the PID, or concerned Office/s of the Port or upon the recommendation of

the Chief, POCD, pursuant to its monitoring and supervision functions under the Monitoring, Supervision, and Coordination of CFW Activity Section of this Order - shall issue a Notice of Violation to the CFW Operator. Within ten (10) days from receipt of such Notice, the CFW operator shall submit his Answer thereto.

- **Summary Proceeding.** Upon receipt of the Answer, the Chief, Law Division shall immediately set the case for hearing so that issues shall be joined. Clarificatory hearing/s may be conducted as may be deemed necessary.

Within five (5) workings days from the termination of the hearing, the CFW Operator shall be required to submit a verified Position Paper, copy furnished the Office of the Deputy Collector Operations or the Chief, POCD as the case maybe, who shall submit his Comment thereto within five (5) working days from receipt,

Within 10 days from submission of the last pleading, the Chief, Law Division shall submit his recommendation to the District Collector, who shall render a decision within five (5) working days from receipt thereof.

- **Order of Closure or Suspension.** Closure or suspension of the CFW shall be effective upon the issuance of an order by the District Collector, who shall within ten (10) working days inform the Commissioner of such action in writing.
- **Appeal.** The decision ordering the closure or suspension of a CFW may be appealed to the Commissioner through the Legal Service within fifteen (15) working days from receipt of the decision, copy furnished the Chief, PID/POCD or concerned office and the District Collector, otherwise it shall be deemed final and executory.

The Legal Service, within ten (10) days from receipt of the Appeal, shall recommend action on the order of closure or suspension based on the grounds clearly stated in the Appeal.

The Commissioner, within five (5) days from receipt of the recommendation of the Legal Service, shall affirm or reverse the District Collector's Order.

- **Closure in Case of Voluntary Discontinuance.** Within three (3) working days from receipt of the notarized letter-request of the Operator the District Collector, through the Law Division, shall issue a Closure Order.
- **Effect of Closure/Suspension.** Upon the closure of the CFW, a careful examination of the account of the warehouse shall be made and dutiable goods stored in such premises must be removed at the risk and expense of the operator. Provided, however, that the premises shall not be relinquished and its use shall not be discontinued until after a careful examination of the account of the warehouse shall have been made.

The owner, operator or Officers of the CFW shall not be relieved from criminal liability arising from any violation of the tariff laws and other laws enforced by the Bureau.

In case of notice of discontinuance made by the operator, the same shall not result in the discharge of liability for the payment of any duties, taxes and other charge imposed on the dutiable goods in the warehouse.

Other Types of Off-Dock/Off-Terminal CFW

For the effective control of shipments under the jurisdiction of the Port, the establishment of facilities outside the seaport/airport rendering services other than storage of imported goods, may be authorized. This type of facility shall be considered as off-dock/off-terminal CFW in accordance with this Order.

- **Services Provided.** The services to be rendered by this type of CFW shall include, but not be limited to the following:
 - **Return of Empty Containers.** Container yards may be established for the temporary storage of empty containers for repositioning and export load-out. ICT Operators, in addition to the services being rendered in the ICT Facility, may provide such services upon authority of the Port, provided further that the facility/area designated for such purpose shall be separated from the facilities designated for other services.

- **Drop-off Service for Export Cargoes and Other Services.**

Facilities may be established as drop off service or the short-term storage of export shipments and other services for consolidation before they are transferred to the seaport/airport terminal for actual loading to the vessel or aircraft.

ICT Operators, ELSE, or Airport Cargo Warehouses rendering additional services for the export shipments of their accredited users, PEZA registered clients, and exporter-clients shall provide a designated facility/area for such purpose which shall be separate from the facilities in the terminal or facility authorized to be used as part of the CFW.

- **Security Warehouse for Seized and Forfeited Goods.** The Port may grant the operation of a Security Warehouse for the storage of goods seized pursuant to Letters of Authority issued by the Bureau pending seizure and forfeiture proceedings and while under the custody of the Port through the Auction and Cargo Disposal Division (ACDD).

Security Warehouse as established herein may be used as temporary storage areas of goods waiting for final clearance from the Bureau, subject to approval of the District Collector concerned, to prevent incurring additional expenses on the part of the importer/consignee.

- **Issuance of Authority to Operate and Renewal Thereof.** In so far as applicable, the procedure in the application and renewal for the issuance of Authority to Operate an Off-Dock or Off-Terminal CFW shall also apply to these types of CFW.
- **Post-approval Requirements and Requirements During Operations.** The applicant shall likewise comply with the post-approval requirements and the general requirements during the operations of CFW as indicated elsewhere in this Order in so far as they are applicable to each type of CFW, in addition to the following:
 - **Return of Empty Container.**
 - **Delivery.** The Warehouseman prior to receiving the empty containers returned by importers, truckers, brokers in premises of the CFW shall require a copy of the Container Delivery Receipt/Order or other document issued by the Shipping Line or its agent which specified the CY/Depot as the storage facility for the return of the container.

In case the Container Delivery Receipt/Order or Other documents does not specify the Depot where the empty container shall be returned, the Warehouseman shall still receive the same provided that the importer/broker/trucker presents any proof that he has communicated or notified the shipping line owning the empty container or his agent, duly received/acknowledged, that the CY/Depot is his chosen storage facility, pursuant to CMO No. 13-2019.

Expenses for the return of the empty container in this instance shall be for the account of the shipping agent.

- **Withdrawal.** The Wharfinger shall allow the withdrawal of the empty containers stored thereat upon submission of the following:
 - For empty containers for repositioning and export load-out, the Special Permit to Load (SPTL) issued by the CCCD, which must contain among others the particular description of the empty container to be returned, their time of loading and other related information; or
 - Copy of the Informal Entry Declaration Form and BCOR evidencing payment of duties and taxes due in case of overstaying containers or where the shipping line instead of exporting the same, opts to pay the duties and taxes due thereof;
 - Gate pass issued by the Port in case of donation or other modes of disposition of empty containers which have been forfeited in favor of the government.
- **Failure to Withdraw From the Depot for Re-exportation Within the Period of Limitation.** For failure of the owner shipping line to re-export the empty containers after the lapse of the period provided by law, the existing rules and regulation on the abandonment of the empty container shall be observed. For this purpose, the concerned Wharfinger or Warehouseman shall submit a daily report of overstaying empty containers to the District Collector, through the Chief, Law Division, for disposition.
- **Drop-off Service for Export Cargoes.**
 - **Delivery.** Upon delivery of the export shipment at the ICT, ELSE or Airport Warehouse by the accredited users, PEZA Registered Clients and exporter-clients respectively, the same shall be entered at the facility/area designated for such purpose in the Terminal or facility before their transfer to the Port Terminal for actual loading, provided that export shipments delivered to ELSE must be duly covered by a duly processed Export Declaration.

- **Examination and Stuffing.** The physical and/or non-intrusive examination for export shipment when required under existing rules and regulation may be conducted in the terminal facility or warehouse by the assigned Customs Officers. The stuffing of export cargoes into the container shall be supervised by assigned customs personnel.
- **Transfer from ICT, ELSE or Airport Warehouse to the Port Terminal for Actual Loading.** Until such time the MISTG shall develop a functionality in the Bureau's computer system for the filing of a PSAD for export cargoes at CFWs to be transferred to the Port of Loading, said transfer shall be covered by a copy of the Authority to Load (ATL) issued by the Export Division of the port of lading, the gate pass issued by the CFW operator and confirmation that each container for transfer has been booked with the service provider for arming or E-TRACC device.
- **Security Warehouse for Seized and Forfeited Goods.**
 - **Transfer for Temporary Storage of Seized and Forfeited Goods.** The warehouseman shall receive the goods duly covered by Transfer Note in the premises of the CFW. The warehouseman shall check the cargo details between that indicated in the Examination Report of the assigned Customs Examiner or Inventory Report of ACCD Examiner and the actual details of the cargo delivered.
 - **Release for Disposition.** The CFW Operator shall issue the corresponding gate-pass for the release of the cargo upon the receipt of the ACDD issued gatepass allowing the release of the Goods together with the following supporting documents:
 - Notice of Award from the Winning Bidder in case the cargoes were sold through auction/negotiated sale;
 - Order of Condemnation from the Contractor in case the cargoes are subject to condemnation;
 - Authorization from the recipient agency designating a representative to receive the goods in case of donation to the DSWD or other government agency;
 - Order of Release with the corresponding BCOR evidencing payment of the duties, taxes, other charges and penalties due if required, in case where the District Collector ordered the release thereof duly approved by the Commissioner upon automatic review.

In cases where use of the IMS shall be implemented in Security warehouses, the warehouseman shall validate the details in the gate-pass as against the details in the IMS matching the same in the Notice of Award, Order of Condemnation, Deed of Donation and Acceptance or the Order/Decision. If in order, he shall then approve the release of the cargo as indicated in the IMS and tag the shipment as "approved" in the IMS.

- **Provision of Separate Areas.** The CFW operator shall also provide designated areas in the warehouse to prevent commingling and to ensure the preservation of all forfeited items stored therein in so far as practicable specially highly valuable items, perishable goods and electronic items, and seized cargoes pending final disposition or resolution of the seizure case.

The CFW operator shall likewise provide a separate and secured area in the facility for the storage of goods which by their nature are considered dangerous or injurious to public health.

- **Unclaimed Cargoes Subject of Auction/Negotiated Sale/Approved Offers of Settlement.** Cargoes sold through auction or negotiated sales and those with approved offers of settlement which remained unclaimed by the winning bidder or within the period of limitation provided by law shall be proceeded against in accordance with the rules on abandonment.
- **Access for Public Viewing of Lots or Goods Prior to Auction Sale.** Upon written request by the ACDD, the CFW operator shall provide prospective bidders' access to the Security Warehouse for the public viewing of goods prior to the conduct of Public Auction Sale. The request shall indicate therein the date and time including the names of the prospective bidders interested in the viewing.
- **Suspension or Closure.** The grounds and the procedure for the closure and suspension of the operation of Off-Dock/Off-Terminal CFWs provided in this CMO shall also apply to these type of CFW.

Terminal Facilities

For the efficient exercise of the Port's jurisdictional control over import and export cargoes, private port operators granted with Authority to Operate by other government agencies and regulatory bodies shall comply with the following:

- **Registration with the Bureau.** Terminal Facility Operators with existing contracts granted by the Philippine Port Authority (PPA) or other appropriate government agencies or regulatory bodies, such as, but not limited to Subic Bay Metropolitan Authority (SBMA), Phividec Industrial Authority, (PIA), Cebu Port Authority and other similar government agencies and regulatory bodies shall apply for registration as a CFW with the Collection District having jurisdiction over the location of the CFW, by submitting a duly accomplished Registration Form stating therein among others the classification or intended use of the facility (e.g. foreign containerized cargo terminal operator and/or bulk and break bulk terminal operator) and type of cargoes received for handling and storage (e.g. containerized import/export cargoes or bulk and break-bulk import/export cargoes) as determined by the Port Authority in the concession agreement, attaching therewith the issued Permit/Authority to Operate.
- **Certificate of Registration and Assignment of CFW Number.** The District Collector shall endorse the application to the Deputy Commissioner, AOCG, through the Director, POS for preparation of the Certification of Registration for signature of the Commissioner. Thereafter, the Director, POS shall instruct the Chief, POCD to assign a CFW number to the Certificate of Registration signed by the Commissioner prior to the issuance thereof.
- **Validity Period, Renewal, and Annual Registration Fee.** The Certificate of Registration of Terminal Operators shall be coterminous with the duration of their contracts with the concerned government regulatory agency subject to the payment of the required annual supervision as provided under existing rules and regulations which amount shall be paid on or before January 5 every year.
- **Post-registration Requirements.** The applicant, upon receipt from the AOCG of the signed Certificate of Registration shall further comply with the following requirements:
 - **Annual Security.** Terminal Operators shall post nonchargeable annual security in the amount of One Hundred Million Pesos (Php100,000,000.00) to cover for the duties and taxes due on lost or damaged goods while stored or transferred to the facility solely or directly caused by the Operator.
 - **CPRS Registration.** All Terminal Operators with Certificate of Registration issued by the Bureau shall be required to register with the Bureau's Client Profile Registration System (CPRS).

- **ICT-Enabled Inventory Management System.** The Terminal Operator shall set up an ICT enabled inventory management system for the accounting of goods stored thereat, including abandoned, overstaying and forfeited goods. The system shall be capable of effectively tracking and monitoring the real-time movement of cargoes entered into and withdrawn from the CFW and the proper tagging for the location of the goods and its alert/hold status. The system shall likewise allow users access to certain functionalities, such as the real time status of cargoes through a device application accessible to the Customs Officers, importers/brokers, forwarders and shipping/airline agents.
- **On-Line Release System (OLRS).** Registered Terminal Operators shall be required to set-up their own On-Line Release System (OLRS) which shall be linked to the Bureau's computer system for the electronic transmission of release instruction from the Bureau to the concerned Terminal Operator.
- **Customer Support System.** The Terminal Operator shall provide on a 24/7 basis its own customer support system to address the concerns of stakeholders.
- **Requirements During Operations.** In addition to specific tasks and obligations stipulated under the concession agreement with the concerned Port Authorities and general requirements/obligations enumerated in this Order, Terminal Operators shall further comply with the following requirements during its operations:
 - **Provision of Areas for Physical Examination and Non-intrusive Inspection, Designation of Additional Areas.** Subject to the provision of Section 1111, Chapter 3, Title XI of the CMTA on the costs of physical examination of alerted goods, CFW operators shall provide suitable areas for physical examination, non-intrusive inspection, and other customs equipment free of charge in favor of the government within a definite period of time, as agreed with private port and airport operators, if any. The areas to be designated for the conduct of physical and non-intrusive examination shall conform to the Bureau's goods clearance procedures and requirements. For this purpose, the Port may require the designation of additional areas for examination taking into consideration the following factors:
 - Disposition of abandoned and forfeited goods
 - The business and commercial operations;
 - Terminal area;

- Volume and type of import goods being handled for examination;
 - Safety and security; and
 - Standards for the proper cargo handling in view of their nature and physical characteristics, such as radioactive cargoes.
- **Special Areas/Facilities and Cargo Handling Appropriate to the Nature of the Shipment.** The Bureau shall require the CFW Operator to provide adequate special areas or facilities, fully equipped for the proper handling necessitated by the physical characteristics, nature or status of cargoes, to wit:
- Containerized and out-of-gauge containers
 - Bulk and break bulk cargoes
 - Reefer plug-ins for reefer containers
 - Transshipment cargoes
 - Forfeited and abandoned goods for disposition, taking into account goods eligible for public auction sale and prohibited goods subject to destruction/condemnation as determined by the ACDD and concerned regulating agencies and cargoes subject of pending administrative and criminal cases filed by the Bureau upon prior notice.
 - =Stripped or segregated cargoes found or suspected to be in violation of customs, laws, rules and regulations pending final disposition; and
 - Storage, stripping, and examination of consolidated shipments.
- **Periodic Reports.** The Operator shall submit a periodic report containing the following information:
- Daily report on discharged cargoes from the vessels whether containerized, bulk or break-bulk, including empty containers;
 - Daily report on received cargoes for load out to vessels whether containerized, bulk or break-bulk, including empty containers;
 - Daily report on releases whether containerized, bulk or break-bulk, including empty containers;
 - Weekly report on overstaying goods;
 - Yard utilization rates of laden, empty and reefer containers; and
 - Other reports as may be required by the Port.

The daily report on cargoes discharged, received, and released must also contain the information on the weight.

Upon written request, the port operator shall provide the Bureau with information pertaining to imports or exports stored or handled. For information which are readily available, the operator shall provide the Bureau within two (2) business days from receipt of the written request. For information which are not readily available, the operator shall provide the Bureau within five (5) business days from receipt of the request.

For failure to provide such information within the period provided for unjustifiable reasons, the terminal facility operator shall be liable for a fine in accordance with CAO No. 9-2019.

- **Installation of Closed Circuit Television Cameras (CCTVs).** For effective enforcement of customs laws, rules and regulations, port operators shall install CCTV cameras in critical areas inside the terminal facility to be designated by the Bureau such as ingress or egress gates, examination areas, and warehousing storage area. The storage period of CCTV footage shall be at least thirty (30) days.

The operator shall upon written request provide a copy of CCTV footage within five (5) days from receipt of the request or allow duly authorized customs officer real-time viewing of the video monitors of the CCTVs.

- **Unhampered Access to Premises.** The Terminal Operator shall provide authorized Custom Officers with unhampered access to all premises within their administrative jurisdiction cognizant of the internationally accepted port safety and security rules and regulations.
- **Return of Empty Containers and Transfer of Unclaimed Overstaying Goods.** To relieve the port's capacity constraints, the Bureau may temporarily disallow, until further notice, the Terminal Operator from accepting empty containers in the port's premises, except those duly covered with Special Permit to Load (SPL) issued by the CCCD. Empty container with SPLs issued and allowed entry into the terminals must be loaded out for export within three days from their entry. For the same purpose, the Port shall also allow the transfer of port-cleared but unclaimed overstaying cargoes to other facilities established outside the port as extension of the Port terminal.

The Terminal Operator shall be responsible for the physical transfer and security of the goods to any facility established pursuant to this Order as extension of the

terminal. All costs incurred by the operators in connection with the transfer of the goods to and from the said facility if requested by the Bureau shall be for the account of the government subject to government accounting rules and regulations.

- **Suspension and Closure and Liability of the CFW Operator.** The suspension and closure of the Terminal Operator shall be governed by the provisions of the contract and the rules and regulations of the concerned government agency or regulating body. Notwithstanding, the owner, operator or Officers of the CFW shall not be relieved from criminal liability arising from any violation of the Customs law and other laws enforced by the Bureau.
- **Storage Fees and Other Charges for Services Rendered.** The rate and amount of fees to be charged for the storage and other charges for the handling of the cargoes, shall be determined by the provisions in the concession agreement and rules and regulations of the concerned port authority.
- **Establishment of Other Facilities Outside the Port Terminal.** The Port shall allow Terminal Operator to establish other custom facilities outside the ports as an extension of its terminal facility or provide other services for certain industries within a regional area. The facilities to be established and services to be rendered may include the following:
 - **Container Yard/Depot and Other Storage Facility.** The Terminal Operator may establish a facility outside the Port Terminal but within the proximity of the seaport as an extension facility limited to the transfer and temporary storage of cleared and overstaying containers to maintain the port's efficiency and ideal yard utilization rate.
 - **Inland Container Terminal.** The Terminal Operator may establish an Inland Container Terminal outside the port to provide port services and conduct activities within a regional area to service the needs of major industries such as PEZA Registered Companies, Customs Bonded Warehouse and other industries that significantly contribute to economic growth. The facilities and the corresponding services being rendered may include the following:
 - Container Depot for cleared and overstaying shipments;
 - Container Yard for storage of containerized cargoes and other handling services, including reefer plug-ins;
 - Customs facility as export drop-off service before transfer to the Port Terminal;

- Container Freight Station for consolidated shipments;
- Empty container depot; and
- Other value-added services such as facility for customs activities (customs inspection and clearance), upon approval of the District Collector, subject to compliance with existing rules and regulations.

The list of prospective client industries to be serviced by the ICT shall be submitted to the Collection District together with the application for accreditation as CFW. Exception to this criterion shall be recommended to the Commissioner for approval on a case to case basis.

The terminal operator shall ensure that users of the ICT shall satisfy the following criteria:

- **Track Record of the Company.** The firm's general business reputation must be fully compliant with the rules and regulations issued by the Bureau. The company or any of its officials must not have any delinquency/liabilities with the Bureau. Neither should they be subject of any derogatory information, investigation, or pending criminal/administrative case.
- **Economic Contribution.** It is shown that the use of the facility by the firm will boost the efficiency of its operation and contribute to the economic well-being of the country.
- **Registration in the Client Profile Registration System of the Bureau.**

Facilities established by Port Operator outside the seaport or airport whether as an extension of the Terminal Facility or an Inland Terminal Facility extending the ports services to certain industries operating within a regional area, shall be treated as a separate entity and shall be considered as Off-Dock/Off-Terminal CFW governed by this Order.

The port having jurisdiction over the Port Terminal where the imported goods subject for transfer are discharged, shall also have jurisdiction over such Facilities established by the Port Operator, where the imported goods are intended to be transferred.

Consultation with Port Authorities

To ensure compliance with the requirements of the Bureau and for effective implementation of its jurisdictional control over goods stored and handled by operators of CFWs with existing contracts, the Bureau shall conduct a periodic consultation with Port Authorities.

Reclassification of Public Bonded Warehouse in Airports

To ensure compliance with the requirements and conditions specified in CAO No. 9-2019, all existing public bonded customs warehouses are hereby reclassified as CFWs without prejudice to all the rights, conditions, and obligations already acquired or vested prior to the effectivity of this Order.

Monitoring, Supervision, and Coordination of CFW Activity

The POCD shall ensure that rules and regulations are properly implemented thru effective coordination, evaluation, supervision and monitoring of CFW operations/activities.

The POCD shall establish a Compliance Rating System (CRS) which shall be used to measure and assess the compliance and performance levels of all CFWs especially with regard to applicable laws, rules and regulations. The system shall be utilized by the Bureau as a risk management mechanism in its evaluation of any application or used as basis in any action which may be taken by the Bureau for or against a CFW.

POCD shall likewise conduct periodic CFW inspection in aid of its monitoring functions for decision making process and in order to properly provide recommendations to the Deputy Commissioner of AOCG and the Commissioner. Conduct of inspection by the POCD must be covered by a Mission Order issued by the Commissioner.

The POCD shall enlist the assistance of other offices in the Bureau, such as the Investigation Prosecution Division of the Customs Intelligence Investigation Service (IPD-CIIS) and Legal

Service, to audit, investigate and possible filing of administrative, civil and criminal case against erring CFW Operators which are ascertained to be not complying with relevant laws, customs rules and regulations.

Separability Clause

If any part of this Order is declared unconstitutional or contrary to existing laws, other parts not so declared shall remain in full force or effect.

Effectivity

This Order shall take effect on 08 July, 2022.

The Office of National Administrative Register (ONAR) of the UP Law Center shall be provided three (3) certified copies of this Order.

CMO NO. 19-2022

Issue Date: July 5, 2022

KEYWORDS: Ecozone Export Enterprise, Ecozone Logistics Service Enterprise, EEE, ELSE, Electronic Zone Transfer System, E-ZTS, inter-zone transfer of goods, PEZA, PEZA-Registered Enterprises, PEs

Introduction

This Customs Memorandum Order (CMO) implements CAO No. 112019 on the Admission, Movement and Withdrawal of Goods in Free Zones, in relation to Bureau of Customs (BOC)-Philippine Economic Zone Authority (PEZA) Joint Memorandum Order (JMO) No. 2-2015 dated July 2015 and the 2018 Memorandum of Agreement (MOA) between BOC and PEZA as circulated under Customs Memorandum Circular No. 27-2018.

Scope

This CMO shall cover the implementation of the Electronic Zone Transfer System (e-ZTS) for the transfer of goods from an Ecozone Export Enterprise (EEE) or an Ecozone Logistics Service Enterprise (ELSE) to another EEE or ELSE located in a different PEZA Zone.

Objectives

- To automate the BOC-PEZA operations governing inter-zone transfers and the Bring-In and Bring-Out of goods to/from the PEZA economic zones to other PEZA economic zones pursuant to Section 4.3.2 of CAO No. 11-2019, BOC- PEZA JMO No. 2-2015 dated July 2015 and the 2018 MOA between BOC and PEZA.
- To provide guidelines and institute measures to safeguard the transfer of goods from one PEZA zone to another PEZA zone.
- To improve the competitiveness of enterprises doing business in the countries' economic zones and align their operations with the global best practices.
- To clearly define the duties and responsibilities of Customs Personnel in the transfer of goods from EEE Facilities to other EEE Facilities or ELSE Locators.

Administrative Procedures

- **Posting of the General Transportation Surety Bond (GTSB).**

All EEE/ELSE locators desiring to transfer their goods to other EEE/ELSE shall be required to post a GTSB, the face value of which shall be computed as follows:

$$\frac{\text{Total FOB value of goods transferred} \\ \text{For the preceding three-month period}}{90 \text{ days}} \times 7 \times 14\%$$

The GTSB shall be valid for a one-year period and there shall be no need for the Bureau to check on the GTSB value for "charging/debiting" or for crediting for every transfer of goods under this Order.

No PRE can transfer goods to partner PRE without having posted a GTSB duly approved as provided for in JMO No. 2-2015 and this CMO.

- **Duties and Responsibilities of Customs Officials.** Customs officials in the Ecozone shall be charged with the following duties and responsibilities with respect to the inter-zone transfers of goods:
 - Approval of the General Transportation and Surety Bond (GTSB) to ensure that there is adequate security for the goods being transferred to another PEZA Zone.
 - Selective examination of the goods covered by the electronic Zone Transfer Document or e-ZTD, before exiting from the ecozone of originating PRE and upon arrival of the transferred goods to the destination ecozone of the receiving PRE. PRES shall ensure only duly-approved goods are contained in said transfers.
 - Support tracking transfer to identify transfers that may have diverted from the intended destination.
 - Support initiation at the earliest possible recovery operation for diverted transfer and certification of the GTSB.
 - Support the spot-checking at the destination location to check if the goods approved for transfer were successfully delivered at the approved destination.

Operational Provisions

- **Filing and Approval of the GTSB.**
 - The duly designated PRE shall obtain the GTSB required from any of the Customs Accredited Surety Companies.
 - The PRE or its authorized representative shall submit the notarized GTSB Application for the Zone Transfer Document (ZTD) and three (3) copies of the GTSB to the Head of the Customs Office based in the zone for approval.
 - Approval of the GTSB Application by the assigned Customs officer must be based on the following:
 - Completeness of the Application Form;
 - Correctness of the mathematical computation (Declared F.O.B. Value to be presumed correct subject to subsequent PEZA verification);
 - Verification of the GTSB with the issuing surety company thru telephone or other fastest means available;
 - Compliance of the GTSB with the format and content of the GTSB Template;
 - Uploading the secured and approved GTSB by the EEE in the e-ZTS; and
 - Verification of the uploaded GTSB by the BOC/PEZA officer in the e-ZTS.
 - If in order, the GTSB application shall be approved and distributed as follows:
 - BOC – Original copy of the application and the GTSB;
 - PEZA Zone Officer – Second copy of the GTSB and copy of the application filed by the PRE with the BOC; and
 - PRE – Third copy of the GTSB.

A scan/photocopy of the original GTSB application must be taken and attached to an email addressed to the PEZA Zone Officer.

- The approved GTSB must be lodged/uploaded in the e-ZTS prior to the first application or filing of the e-ZTD.
- **Examination of Goods for Transfer.**
 - The originating PRE must apply for the transfer of goods to the receiving PRE using the Electronic Zone Transfer Document (e-ZTD) of the e-ZTS.
 - The goods for transfer must be physically segregated or immediately located to the carrying truck where these may be examined by BOC.

- BOC Officer must monitor the e-ZTS screen display unit for submitted e-ZTDs and determine based on risk assessment whether or not to physically examine the goods.
- The BOC Officer shall have a 30-minute window within which to exercise its option to inspect the goods and inform PEZA, through the fastest means, of such option within the prescribed 30-minute period. Failure to indicate intent to examine will free the goods for withdrawal and transfer.
- BOC must keep a printed copy of the e-ZTD for spot-checking and other monitoring activities.
- **Monitoring of Transfer.**
 - BOC Officers shall be responsible for checking that the goods transferred arrives safely at the partner locator premises and are duly received thereat. In general, the above shall be performed by:
 - Checking the status of the e-ZTD in the e-ZTS as already delivered/received;
 - Verification through the fastest means possible with the EEE/ELSE locator and EEE operator if the transfer has been completed;
 - On selection basis following Risk Management to proceed to the goods' destination if goods arrived thereat; and
 - BOC Officer shall ensure that "View Only" access is provided in the e-ZTS by PEZA-Accredited VASPs.

Repealing Clause

Provisions of any CMO, Orders, or Memoranda inconsistent herewith are deemed repealed or modified accordingly.

Effectivity

This Order shall take effect on July 15, 2022.

The Office of National Administrative Register (ONAR) of the UP Law Center shall be provided three (3) certified copies of this CMO.

CMC NO. 89-2022

Issue Date: July 5, 2022

KEYWORDS: Bangko Sentral ng Pilipinas Circular No. 1146, Series of 2022, cross-border transfer, of local and foreign currencies

In view of the issuance of **Circular No. 1146 (series of 2022)** on “Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies” on **26 May 2022**, which shall be effective on 25 June 2022, all concerned are informed of the following changes:

- Enhancement of the Currencies Declaration Form (CDF or Annex K of the FX Manual) which now requires any person bringing into or taking out of the Philippines legal tender Philippine notes and coins, checks, money order and other bills of exchange in excess of PHP50,000.00 and foreign currencies or other foreign currency-denominated bearer monetary instruments in excess of USD10,000.000 or its equivalent to declare the whole amount under oath;
- Allow stakeholders to accomplish the CDF online; and
- Clarify the allowable purposes for cross-border transfer of local currency in excess of the peso limit.

Relative thereto, all declarations in excess of the above threshold amount shall be accomplished online through the Electronic Customs Baggage and Currency Declaration (eCBCD) System which shall be accessed and verified by the assigned customs examiner during clearance of the passenger. Thereafter, the taking of oath shall be administered by an authorized Solemnizing Officer in the airport or seaport.

All international airports and seaports are hereby ordered to print and distribute copies of the new CDF starting 25 June 2022 or the effectivity date of Circular No. 1146.

All District and Sub-Port Collectors, and all others concerned are hereby directed to confirm the dissemination of this Circular throughout their offices within five (5) days from receipt thereof for records purposes.

This Circular shall take effect immediately.

For strict compliance.

CMC NO. 97-2022

Issue Date: June 29, 2022

KEYWORDS: AHTN, ASEAN Harmonized Tariff Nomenclature, implementation

This is with reference to two letters both dated June 24, 2022 from the Tariff Commission (TC), informing of the National Economic and Development Authority (NEDA) Board May 27, 2022 approval of the adoption and implementation of the 2022 version of the ASEAN Harmonized Tariff Nomenclature (AHTN 2022) by July 01, 2022. The same also informs that all Advance Rulings on Tariff Classification issued under Section 1100 of the Customs Memorandum and Tariff Act (CMTA) that are based on AHTN 2017 are no longer considered valid starting 01 July 2022.

In view of this development, the AHTN 2022 nomenclature, with updated 2022 Most Favoured Nation (MFN) and Free Trade Agreement (FTA) tariff rates in Excel file was provided together with the two (2) way Correlation Tables, also in Excel File.

It was also noted that for the ASEAN-China FTA (ACFTA) and ASEAN-Korean FTA (AKFTA) schedules, two (2) tariff rates were provided. The rates in Column E for ACFTA and Column F for AKFTA are those that are in the Executive Order (EO) implementing the said FTAs. However, due to the reciprocal treatment embodied in the Trade in Goods Agreements of both FTAs, the applicable rates for imports accompanied by Certificates of Origin Form E (for ACFTA) and AK (for AKFTA) are in Columns F and G, respectively.

For information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt thereof.

MISTG MEMO NO. 08-2022

Issue Date: July 5, 2022

KEYWORDS: amended, CREATE Law, NIRC, procedural, Republic Act No. 11534, Section 249 (D) and (E)

In accordance with Section 294 (D) & (E) of the NIRC, as amended by Section 16 of R.A. 11534 (CREATE Law) and in connection to the request for tax exemption of Arm Scor Global Defense, Inc., please be informed that the below procedural code has been created effective on **07 July 2022**:

Procedural Code	Description
N94	Section 294(D) & (E) of the NIRC, as amended by Sec. 16 of R.A. 11534

The above procedural code can be utilized upon issuance of electronic Tax Exemption Certificate (TEC) by Tax Exempt Division which is subject to the submission of documentary requirements.

For your information.

OCOM MEMO NO. 84-2022

Issue Date: July 5, 2022

KEYWORDS: ecozones, E-TRACC, full implementation, import/export

Pursuant to the implementation of Customs Memorandum Order No. 04-2020 all offices concerned are hereby directed to ensure full implementation with no exemptions which includes all members of the **Semiconductor and Electronics Industries in the Philippines Foundation, Inc. (SEIPI)** and that all containers processed shall adhere to the provisions of the CMO.

For strict compliance.

AOCG MEMO NO. 223-2022

Issue Date: June 14, 2022

KEYWORDS: advance rulings, import, tariff classification

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 on Application for an Advance Ruling on Tariff Classification related to Importation of Goods), the Tariff Commission furnished copies of the Advance Ruling (AR) on Tariff Classification with Tariff Classification Circulars (TCC/AR) issued on 10 June 2022 and the same having been reviewed and summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
21-375	"CURRENT TEST TERMINAL BLOCK, MODEL: YS CTT-04C"	8536.90.12	MFN - Zero* AKFTA - Zero*
*Subject to submission of their corresponding CERTIFICATE OF ORIGIN (CO).			

AOCG MEMO NO. 227-2022

Issue Date: July 12, 2022

KEYWORDS: crude palm oil, export price, Indonesia

To guard against undervaluation and trade misinvoicing, all district collectors shall vigilantly monitor and ensure the correct valuation of Crude Palm Oil from Indonesia.

In this regard, the following table shows the export price of Crude Palm Oil obtained by the Department of Trade and Industry (DTI) from its official source in Jakarta, Indonesia:

PRODUCT DESCRIPTION	CO	SOURCE	MONTH	PRICE	PRICE EQUIVALENT IN USD/KG
Crude Palm Oil	ID	Regulation of the Minister of Trade	April 2022	USD 1,787.50/MT	1.788
			May 2022	USD 1,657.39/MT	1.657
			June 2022	USD 1,700.12/MT	1.700

For strict implementation.

AOCG MEMO NO. 228-2022

Issue Date: June 23, 2022

KEYWORDS: advance rulings, import, tariff classification

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 on Application for an Advance Ruling on Tariff Classification related to Importation of Goods), the Tariff Commission furnished copies of the Advance Ruling (AR) on Tariff Classification with Tariff Classification Circulars (TCC/AR) issued on 21 June 2022 and the same having been reviewed and summarized as follows:

TCC NO.	DESCRIPTION OF ARTICLES	2017 AHTN CODE	2020 RATES OF DUTY
22-129	"LUCENE HP2018BN"	3901.40.00	MFN - 3% Ad Valorem AKFTA - 3% Ad Valorem
22-130	"LUCENE HP3518CN"	3901.40.00	MFN - 3% Ad Valorem AKFTA - 3% Ad Valorem

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

AOCG MEMO NO. 229-2022

Issue Date: July 14, 2022

KEYWORDS: AIMS, AOCG Memo No. 199-2022, automated inventory management system, CMO No. 20-2021, CBW, implementation,

Pursuant to the full implementation of Customs Memorandum Order 20-2021 and AOCG Memo No. 199-2022, all Collection Districts and offices concerned are hereby directed to ensure that the concerned BOC personnel must adhere to the following:

- **Processing of the Warehousing Goods Declaration SAD (WSAD) accepted in the E2M System**
 - The Customs Operations Officer III (COO III) of WAD or equivalent unit shall process only the WSAD if the following requirements are met:
 - CBW or CCBW-Accredited Member is registered in the Automated Inventory Management System (AIMS) for Customs Bonded Warehouses and with uploaded Product, BOM/FOM, and Initial Inventory (if applicable);
 - The E2M Model of Declaration used in the goods declaration is appropriate (Annex 1. E2M Model of Declaration and Procedure Code); and
 - The WSAD is properly itemized as to the number of items in the commercial invoice. There should be no lumping of multiple items into one item just because of the similarity in the Harmonized System (HS) Codes.
 - The COO III of WAD or its equivalent unit must inform the CBW to request for cancellation of the accepted WSAD entry if requirements as mentioned above are not properly declared following the existing laws, rules and regulations for subsequent lodgement.
 - The AIMS Service Provider must ensure that the COO III of WAD or its equivalent unit have user access in AIMS to validate the registration and availability of data build-up files as stated earlier in this Memorandum.
- **Prohibition on the Stripping of Containers on Importation of Customs Bonded Warehouse or CCBW-Accredited Member**
 - The BOC Warehouse shall ensure that no stripping of container van shall be done unless the Goods Declaration for Warehousing (WSAD) of the bonded goods has been filed, processed by Bureau, and tagged "Paid" in the E2M System; and

- The corresponding WSAD in the E2M System must have an equivalent Entry Declaration of Raw Materials (EDRM) in the AIMS duly approved and tag completed by the BOC Warehouseman.
- **Lodgment and Processing of the Export Declaration SAD in the E2M System where the exporter is a Customs Bonded Warehouse or a CCBW- Accredited Member**
 - The CBW Exporter or CCBW-Accredited Member should ensure that the Export Declaration during lodgment is itemized in accordance with the assigned product codes of finished goods in the AIMS. There should be no lumping of multiple items into one item line just because of the similarity in the Harmonized System (HS) codes.
 - In cases where the finished goods for export are made entirely from bonded raw materials or bonded raw materials with mixture of local raw materials, the CBW Exporter or CCBW-Accredited Member shall use the model of declaration EX2-1 (Annex 2. Export Model and Procedure Codes) during the lodgment of Export Declaration.
 - The Trade Control Examiner (TCE) of the Export Division shall check the Export Declaration SAD if the model used by the CBW Exporter or CCBW-Accredited Member is EX2-1 for the above scenario. If EX2-1 is not used, the TCE must advise the CBW to request for cancellation of the Export Declaration following the existing customs laws, rules, and regulations for subsequent lodgment.
 - The Chief, Export Division or its equivalent unit must ensure that all manually processed Export Declaration of any CBW Exporter or CCBW-Accredited Member must have a corresponding Export SAD lodged, duly processed by the Trade Control Examiner, COO V and tagged "Paid" in the E2M System.
 - The Export Declaration SAD with status of "Paid" in the E2M System of the CBW Exporter or CCBW-Accredited Member must have an equivalent Exit Declaration in the AIMS duly approved and tagged completed by the CCCD or AOD personnel after the vessel or aircraft's departure based on the signed Certificate of Inspection and Loading.

For further inquiries or concerns, please feel free to call AIMS Customer Helpdesk Hotline/Viber Number 09457894506 and/or email at aims@cdec.com.ph.

This shall take effect on 18 July 2022.

For strict compliance.

AOCG MEMO NO. 230-2022

Issue Date: July 14, 2022

KEYWORDS: CBW, Customs Bonded Warehouses, E-TRACC, export, implementation, import, cargoes, MICP, POM

Pursuant to the implementation of Customs Memorandum Order No. 04-2020 all offices concerned are hereby directed to ensure that all containers processed shall adhere to the provisions of the CMO and specific guidelines as follows:

General Guidelines for CBW Import Cargoes

- Transfer of Full Container Load (FCL) containers shall be sealed with Electronic Customs Seal before leaving the container yard at the port of discharge. This is consistent with section 6 — Electronic Customs Seal, Section 10 — Trip booking and Section 10.5 — Transit to CBWs of CMO 04-2020.
- Transfer of Loose Cargo Load (LCL) shall follow current rules and regulations and still be underguarded by warehouseman and/or customs guard to the client member warehouse/sub-contractors.
- Urgent need to disarm GPS and to strip the container shall follow the current procedure.

Specific Guidelines for CBW Import Cargoes per type:

◦ **Miscellaneous CBWs:**

- Destination — during the trip booking process (www.ecms.ph) the stakeholder shall choose the name of their company from the dropdown geozones.
- Electronics GPS — FCL containers bound from the port to CBW shall be sealed with Electronic GPS and therefore no need for under guarding.
- Unsealing— Upon arrival of containers at destination, the warehouseman or customs guard shall undertake the following steps:
 - Take visual evidence of the container showing the container number, Electronic Customs Seal is still intact, and the container seal from the shipping line;
 - Transmit the information to PID or equivalent office for the approval of the end trip; and
 - Once End Trip is authorized, the Customs Warehouseman/Guard shall manually remove the Electronic Customs Seal from the Container.

- Availability of Warehouseman/Customs Guard — assignment of Customs Warehouseman/ Guard shall continue to be coordinated with the CBW Chief.
- **Common Bonded Warehouses:**
 - Destination — during the trip booking process (www.ecms.ph) the stakeholder shall choose the name of their company from the dropdown geozones. The corridor/route of the geozone requires the truck to stop briefly at the mother warehouse for recording and documentation before proceeding to the client member warehouse.
 - Electronic GPS — FCL containers bound from the port to mother warehouse and to client member warehouse shall be sealed with Electronic GPS.
 - Unsealing

In case involving FCL containers for Garments, the warehouseman shall, upon arrival of container at the mother bonded warehouse, undertake the following steps:

- Take visual evidence of the container showing the container number, Electronic Customs Seal is still intact, and the container seal from the shipping line;
- Transmit the information to PID or equivalent office for the approval of the end trip; and
- Once End Trip is authorized, the Customs Warehouseman/Guard shall manually remove the Electronic Customs Seal from the Container.

In case involving FCL containers for Miscellaneous, the warehouseman shall, upon arrival of container at the mother bonded warehouse, undertake take visual evidence of the container showing the container number, Electronic Customs Seal is still intact, and the container seal from the shipping line.

The truck containing the FCL containers shall then proceed to the member CBW after completion of inspection.

The security guard assigned shall, upon arrival of the container at the member CBW, undertake the following steps:

- Take visual evidence of the container showing the container number, Electronic Customs Seal is still intact, and the container seal from the shipping line;

- Transmit the information to PID or equivalent office for the approval of the end trip; and
- Once End Trip is authorized, the Customs Warehouseman/Guard shall manually remove the Electronic Customs Seal from the Container.
- Availability of Warehouseman/Customs Guard – assignment of Customs Warehouseman/Guard shall continue to be coordinated with the CBW Chief.
- In some cases (Garments), FCL containers bound to warehouse are stripped and unloaded at the mother warehouse for storing of raw materials.
- **General Guidelines for CBW Export Cargoes:**
 - Transfer of Full Container Load (FCL) and Loose Cargo Load (LCL) container for export shall be sealed with Electronic Customs Seal before leaving the CBWs to the port of loading. This is consistent with Section 10.9, Section 10.2 and Section 10.6 of CM004-2020.
 - Destination —during the trip booking process (www.ecms.ph) the stakeholder shall choose the name of their company from the dropdown geozones.
 - Electronic GPS—FCL containers, bound from the CBW to Port of Loading shall be sealed with Electronic GPS and therefore no need for under guarding.
 - Sealing — The arming/affixing of electronic seal shall be undertaken by the assigned customs warehouseman.
 - The warehouseman shall also be responsible for checking the trip enrollment details and taking of visual evidence to be transmitted to the control tower for the authorization of the start trip.
 - Disarming of the electronic container seal shall be undertaken by the CCCD personnel once the container arrives at the Port of Loading and end trip authorization is approved by the control tower.

BOC Import or Export Examiner/Appraiser or any BOC Authorized Customs Officer responsible for processing import or export clearance will not approve any import or exports SAD without the required E-TRACC Booking as prescribed in the CMO 04-2020.

The schedule of the **one hundred percent (100%)** implementation of ETRACC shall commence on **July 25, 2022** for the following ports:

Port of Manila - all CBW Exports and Imports
 MICP - all CBW Exports and Imports

For further inquiries or concerns, please feel free to call Ascent Customer Support Hotline 632-82757766 and mobile nos. 0919-0793049, 0919-0806209 and 0919-0806210.

For strict compliance.

AOCG MEMO NO. 231-2022

Issue Date: June 23, 2022

KEYWORDS: Department of Finance, DOF, FDA, Food and Drug Administration, heated tobacco products, vapor products,

All District Collectors are informed on the 1st indorsement dated 17 June 2022 from Antonnette C. Tionko, Assistant Secretary, Revenue Operations Group, Department of Finance, addressed to Hon. Caesar R. Dulay, Commissioner of Bureau of Internal Revenue, copy furnished this Bureau, of the 24 May 2022 letter from the Food and Drug Administration (FDA).

The said letter communicates the enforcement of FDA's regulations on vapor products and heated tobacco products, which cover the following:

- Mandatory requirement of a License to Operate for establishment engaged in the manufacture, importation, selling, distribution of vapor products and heated tobacco products; and
- Ban on the manufacture, importation, sale, and distribution of flavored vapor products with flavoring other than plain tobacco or plain menthol shall be prohibited.

For your information and guidance.

AOCG MEMO NO. 232-2022

Issue Date: July 15, 2022

KEYWORDS: Certificate of Origin, CO, Form D

Relative to the amendment of Certificate of Origin Form D and its Overleaf Notes, please be informed that the new Certificate of Origin Form D is already available. In this regard, you can secure the said CO Form in various collection districts of the Bureau.

Further, please be reminded that the old Certificate of Origin Form D is valid until October 31, 2022 only.

For information.

AOCG MEMO NO. 242-2022

Issue Date: July 15, 2022

KEYWORDS: coal, export price, Indonesia

To guard against undervaluation and trade misinvoicing, all district collectors shall vigilantly monitor and ensure the correct valuation of Coal from Indonesia.

In this regard, the following table shows the export price of Coal obtained by the Department of Trade and Industry (DTI) from its official source in Jakarta, Indonesia:

PRODUCT DESCRIPTION	CO	SOURCE	MONTH	PRICE	PRICE EQUIVALENT IN USD/KG
Coal	ID	Reference Coal Price (HBA)†, Directorate General of Mineral and Coal, Ministry of Energy and Mineral Resources (MINERBA)	July 2022	USD 319/Ton	0.319

† HBA is the price obtained from the average index of the Indonesia Coal Index (ICI), Newcastle Export Index (NEX), Global Coal Newcastle Index (GCNC) and Platt's 5900

For strict implementation.

AOCG MEMO NO. 243-2022

Issue Date: July 19, 2022

KEYWORDS: China, export price, vegetables

To guard against undervaluation and trade misinvoicing, all district collectors shall vigilantly monitor and ensure the correct valuation of various vegetables from China.

In this regard, the following table shows the export price of various vegetables obtained by the Department of Trade and Industry (DTI) from its official source in Beijing, China:

PRODUCT DESCRIPTION	CO	MONTH	MINIMUM QTY. (KG)	PRICE (USD)	PRICE EQUIVALENT IN USD/KG
Fresh and frozen onions	CN	JULY 2022	1,512,450	546,135	0.36
Fresh and frozen carrots	CN	JULY 2022	753,433	285,643	0.38
Garlic	CN	JULY 2022	40,684,926	38,981,981	0.96
Ginger, neither crushed or ground	CN	JULY 2022	2,863,760	2,254,545	0.79
Ginger, crushed or ground	CN	JULY 2022	25,500	83,280	3.27
Fresh or frozen broccoli	CN	JULY 2022	100,717	160,991	1.60

For strict implementation.

ABOUT US

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