



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Office of the Secretary
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DA DEPARTMENT CIRCULAR
NO. 04 :
SERIES OF 2016

**SUBJECT: GUIDELINES ON THE IMPORTATION OF PLANTS,
PLANTING MATERIALS AND PLANT PRODUCTS FOR
COMMERCIAL PURPOSES**

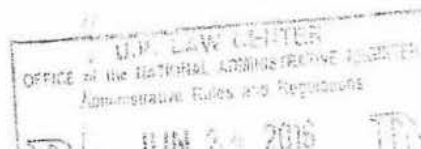
Pursuant to Executive Order No. 292, s. of 1987, Republic Act (RA) No. 10845, RA 10611, RA 7394, RA 7581, RA 8752, Presidential Decree No. 1433, as amended, Office of the President Administrative Order (AO) No. 31, s. of 2012, Department of Agriculture (DA) AO No. 23, s. of 2013, DA Memorandum Order No. 1, s. of 2010, DA AO 9, s. of 2010 and relevant international agreements to which the Philippines is a signatory, the following guidelines on the importation of plants, planting materials and plant products to the Philippines are hereby issued:

ARTICLE I GENERAL PROVISIONS

SECTION 1. Objective - This Circular aims to rationalize and enhance the requirements and procedures in the importation of plants, planting materials and plant products for commercial purposes.

SECTION 2. Definition of Terms

1. BPI SPS Import Clearance (SPSIC) - document issued prior to importation by the Bureau of Plant Industry (BPI) to ensure that the products being imported meet standards to protect human, animal or plant life or health, ensuring that the products are safe for consumers and to prevent the spread of pests or diseases among animals or plants. Such document also prescribes the conditions to be complied with by the importer for the maintenance of quality and suitability of the product for the intended purposes.
2. Commodity - A type of plant, planting material, plant product or other article being moved for trade or other purpose.



3. Food – refers to any substance or product whether processed, partially processed or unprocessed that is intended for human consumption.
4. Food Safety – refers to the assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use.
5. Genetically-modified organism (GMO) - also refers to “living modified organism” under the Cartagena Protocol on Biosafety and refers to any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.
6. Importation – act of bringing into the country by sea, land or air foreign products intended for planting, consumption, manufacturing, trading, distribution, domestication, formulation, repacking or by any other purposes;
7. Importer – shall refer to any person, individual or juridical entity, as well as any farmers’ cooperatives/organization/association, or proprietor or authorized representatives or broker, partner, in case of partnership, who transacts with the BPI purposes of registration and issuance of SPSIC in connection with importation of plants, planting materials and plant products;
8. Inspection – Official visual examination of plants, planting materials, plant products or other regulated articles to determine if pests are present or to determine compliance with phytosanitary regulations.
9. Interception (of a consignment) – The refusal or controlled entry of an imported consignment due to failure to comply with phytosanitary regulations.
10. Interception (of a pest) – The detection of a pest during inspection and testing of an imported consignment
11. International SPS Certificate – a written guarantee issued by a competent authority from the country of origin, certifying that the products have handled, processed and packed in a hygienic manner and do not contain microorganisms, harmful substances that may pose food safety hazard and endanger human, animal or plant life or health and includes international health certificate, international phytosanitary certificate;
12. Must Ship Out By Date – the prescribed time (period) within which the actual product/consignment must have left the country of origin, the reckoning of which is based on the date of issuance of the SPSIC. The must ship out by date for fresh plant products such as fruits, onion and garlic, etc. is twenty (20) days) while for other plant products, plants and planting material is 60 days;
13. Official – Established, authorized or performed by national plant protection organization

14. Plant Products – products derived from plants either in their natural or processed form.
15. Planting Materials – refer to seeds, fruits and parts of aggregate fruits used for planting. These also include cuttings, rhizomes, bulbs and corms, grafts, leaves, roots, scions and others that are capable of propagation.
16. Plant Products Safety Services Division (PPSSD) – the division under the BPI responsible for the implementation of the Republic Act 10611 or the Food Safety Law relative to plant food.
17. Plants – refers to living plants or seedlings
18. Pest – Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products.
19. Pest Risk Analysis –The process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest, whether it should be regulated, and the strength of any phytosanitary measures to be taken against it
20. Registered Importer –refers to a person registered by the DA and/or its bureaus and attached agencies as eligible to import agriculture and fisheries commodities and products for its own use, propagation, processing, wholesale and/or retail distribution

SECTION 3. Scope - This Circular shall cover all importations of plants, planting materials and plant products for commercial purposes into the Philippines. Provided, that for government importations and whenever necessary to address serious economic concerns, SPSIC must be secured in accordance with this Circular.

Plants, planting materials and plant products includes:

1. Living plants
2. Nursery stocks, including vegetative parts thereof used as propagating materials
3. Nuts and unprocessed seeds either for planting or consumption
4. Fresh fruits, vegetables and other plant products such as fresh onion, garlic, ginger, etc. which have been declared as prohibited/restricted import under special quarantine orders because of being known host of dangerous plant pest or originating from restricted areas.
5. Pure culture of fungi, bacteria virus, nematodes and other phytopathogenic materials
6. Mushroom cultures including spawn
7. Algae cultures, rhizobial cultures as legume inoculants
8. Soil and plant materials for isolation of organism
9. Other plant cultures

10. Genetically modified plants, planting materials and plant products.
11. Wood packaging materials and other packing materials capable of harboring plant pests
12. Frozen/chilled fruits and vegetables including diced vegetables and processed fruits
13. Milled rice, corn and other grains and cereals
14. Grasses for animals and aqua feeds
15. Other plants, planting materials and plant products under Category 2, 3 and 4

SECTION 4. Plant Quarantine Certification - Those mentioned under Sec. 5.1 of Article II of this Circular do not require SPSIC, however, the importer must secure a Plant Quarantine Service Certificate for Category 1 commodities (PQSC) from the BPI.

ARTICLE II CATEGORIZATION OF COMMODITIES

SECTION 5. Categorization of Commodities - This Circular adopts the categorization of commodities of plant origin pursuant to DA Quarantine Administrative Circular No. 1, Series of 2014, as follows:

1. Category 1* - Commodities that have been processed to the point where they do not remain capable of being infested with quarantine pests and therefore, should not be regulated. The importation of Category 1 commodities shall not require an SPSIC, but the importer shall secure a PQSC. Processed Product Certificate or equivalent document in lieu of Phytosanitary Certificate (PC) must be presented to the PQ officers at the port of entry prior release of the commodity.
2. Category 2 - Commodities that have been processed to the point where the commodity remains capable of being infested with some quarantine pests and whose intended use may be for consumption or further processing. The NPQSD shall determine if a Pest Risk Analysis (PRA) is required for quarantine pests that may not be eliminated by the process. Importation of Category 2 commodities shall require SPSIC and Phytosanitary Certificate (PC) or equivalent document from the country of origin.
3. Category 3 - Commodities that have not been processed and the intended use of commodity is for consumption or processing. PRA is necessary to identify the pest risks related to this pathway. This category requires SPSIC and PC/equivalent document.
4. Category 4 - This includes commodities that have not been processed and the intended use is for planting, PRA is necessary to

identify the pest risks related to this pathway. This category requires SPSIC to be secured from the BPI and PC or equivalent document from the country of origin.

*Note: Based on risk analysis for food safety conducted by PPSSD, Category 1 commodities may be classified to Category 2 commodities.

ARTICLE III REGISTRATION OF IMPORTERS

SECTION 6. Registration - Prior issuance of PQSC for Category 1 commodities or SPSIC for Category 2, 3 and 4 commodities for purposes of importation of plants, plant products and planting materials, importers are required to register with BPI- National Plant Quarantine Services Division (NPQSD).

Commodities belonging to non-registered commercial importer maybe allowed entry provided that the commodity in transit or landed belongs to Category 1 and with no food safety issues. Provided further, that the said person has shown intent to be registered as a commercial importer of NPQSD for his subsequent importation.

SECTION 7. Requirements for Registration as Importer - The following documentary requirements must be submitted to the BPI for purposes of registration for issuance of PQSC or as importer of other categories. For documents requiring Certified True Copy, the importer shall bring the original copy for comparison with the scanned copy or photocopy. If the scanned or photocopy is found to be a faithful reproduction, the same shall be stamped *Verified from the Original*.

1. Letter of Intent addressed to the BPI Director thru the Chief of NPQSD
2. Notarized Accomplished Application Form accomplished by the applicant, together with attached latest 2x2 colored picture (white background) of the owner and representative/s;
3. Company Profile
4. Board Resolution of the Corporation/Cooperative or Special Power of Attorney (SPA) issued by the importer authorizing the legal representative/s of the importer. Current Mayor's Permit (Certified True Copy);
5. BOC Accreditation - Accounts Management Office (AMO) Certification (CTC);
6. For Single Proprietorship -DTI Registration (CTC);
7. For Corporation/Partnership/Cooperative/Joint Venture/
Associations -
 - a. Proof of SEC Registration (CTC) / Cooperative Development Authority (CDA)/Certificate of Registration (CTC);
 - b. General Information Sheet and certified list of incumbent executive officers

- c. Current certificate of good standing from the Securities and Exchange Commission (SEC) or CDA or other applicable registering agencies, whichever is applicable (CTC);
- d. Additional Requirements for Farmers' Cooperative/Confederation
 - 1) List of farmers' cooperators and their addresses; If a confederation, list of farmers, addresses and voters ID or Barangay ID
 - 2) Board Resolution authorizing the importation
- 8. BIR Registration, Importers Clearance Certificate (ICC) and Brokers Clearance Certificate (BCC)
- 9. Tax Identification Number (TIN) of the Corporation/Partnership/Sole Proprietorship/Cooperative/Association
- 10. Audited Financial Statement for the previous year (CTC) except for the following businesses:
 - a. Newly established business which is less than one year in its operation; or
 - b. Other entities or bodies which are explicitly exempted under the law, agreement or other similar legal instruments.
- 11. Declaration of warehouse/storage facility (location, capacity);
- 12. Notarized contract of lease or proof of ownership of warehouse/cold storage/farm land (CTC);
- 13. DA-Certificate of Accreditation for Cold Storage Warehouse (if applicable)
- 14. Fees to be Collected
 - a. PhP800.00 registration fee and PQSC for one (1) commodity under Category 1
 - b. PhP1,000.00 Application Fee (AF).

SECTION 8. Documentary Requirements for Renewal of Registration

1. The documents submitted for registered importers under Category 1 commodities shall be reviewed and updated every three years reckoned from the original date of its registration.
2. Applicants who are importers of Category 2, 3 and 4 commodities shall submit the following documents at least six (6) months prior to the expiry date of registration:
 - a. Letter of Intent addressed to the BPI Director thru the Chief of NPQSD
 - b. Notarized Accomplished Application for Renewal Form with attached latest 2x2 colored picture (white background) of the applicant and duly authorized representative;
 - c. Current or updated documents of the following:
 - Mayor's Permit or Business Permit
 - BOC AMO Certificate (CTC);
 - BIR Registration; ICC and BCC
 - d. For Single Proprietorship : DTI Registration (CTC)
 - e. For Corporation/Partnership/Cooperative:

- 1) Updated SEC Registration (CTC) / CDA Certificate of Registration;
- 2) Latest General Information Sheet and Certified List of incumbent executive officers
- 3) Certificate of Good Standing from the Securities and Exchange Commission (SEC) or CDA or other applicable registering agencies, whichever is applicable (CTC);
- f. Current Audited Financial Statement for the previous two (2) years (CTC)
- g. Current or updated Annual Income Tax Return received by the Bureau of Internal Revenue (BIR)
- h. Declaration of warehouse/storage facility (location, capacity);
- i. Notarized contract of lease or proof of ownership of warehouse/cold storage/farm land (CTC);
- j. DA-Certificate of Accreditation for Cold Storage Warehouse (if applicable)
- k. Summary report of importation and utilization of SPSIC for the past two (2) years (for sensitive commodities as maybe determined by DA and other government agencies)
- l. Fees to be Collected
 - 1) PhP2,500.00 Renewal Fee

SECTION 9. Registration Procedure - The following steps or procedure shall be observed in the registration of importers:

1. Application for Registration of Importer
 - a. The Applicant for Registration shall submit to the BPI a Letter of Intent (LOI) and the documentary requirements specified in this Circular.
 - b. Upon submission, the designated staff at the NPQSD shall immediately check the submitted application as to the completeness of the required documents. Application for registration with incomplete requirements shall be returned to the applicant stating the reason for non-acceptance.
 - c. NPQSD designated staff shall evaluate the submitted accomplished application form together with the required documents for registration.
 - d. Only applicant who has submitted the complete documents needed for COR shall pay the application fee.
2. Schedule for Orientation. After evaluation of complete documentary requirements, importer shall be advised for the schedule of orientation. The topics to be discussed during the orientation are as follows:
 - a. NPQSD Mandate, Functions, and Activities.
 - b. Categorization of Commodities
 - c. Pest Risk Analysis
 - d. Food Safety Law (to be conducted by PPSSD)
 - e. Import Process Flow
 - f. Registration Process

- g. SPSIC Issuance Process Flow
 - h. Port Inspection Procedure
 - i. Laboratory Procedure
 - j. Grounds for Suspension/ Blacklisting of Importers
 - k. Other relevant topics as maybe deemed necessary
3. Preliminary Interview with a Senior Staff of NPQSD
 - a. The preliminary interview shall take into account the criteria for approval enumerated in Section 14 hereof.
 - b. After the interview with the applicant, the senior staff shall recommend the inspection of the business enterprise to validate the veracity, validity and accuracy of submitted documents.
 4. The members of the NPQSD Registration Team and/or staff of the nearest NPQSD office shall conduct inspection of the business enterprise (head office and branches, facilities, etc.).
 5. The NPQSD Chief shall endorse the approval of the COR / CRR / PQSC to the BPI Director.
 6. Upon approval, the Importer shall be informed by any appropriate form of communication that the COR / CRR / PQSC is ready for release. If disapproved, the reason for the same shall be indicated in a written notice.
 7. The Importer shall be given one day after notification to claim and settle the necessary regulatory fees. Failure to pay shall result in automatic rejection / revocation of their approved COR / CRR / PQSC.
 8. Payment of Certificate of Registration Fee (PHP 4,000.00)/ Certificate of Renewal of Registration (PHP 1,500.00) / PQSC (PHP 500.00). The registered importer shall pay the COR/CRR/PQSC remaining fee of P4,000.00, P1,500 or P500, respectively. Once paid, the COR shall now be released to the registered importer.
 9. Release of COR / CRR / PQSC to the Applicant.
 - a. Only the registered importer or his authorized representative/s shall be allowed to receive the COR / CRR / PQSC.
 - b. Scanned copy of the COR / CRR / PQSC may be sent by e-mail to the concerned regional office of the NPQSD upon request.

SECTION 10. DA Trade System (DTS) Registration Procedure - All NPQSD registered category 2, 3 and 4 importers are required to be part of the DTS for purposes of application and issuance of SPSIC online. The following steps or requirements shall be complied with in the registration of the importers with DTS:

1. The importer shall submit an accomplished application form to DTS. Application form can be e-mailed or sent to DTS.
2. Upon approval of DTS on the importers registration, the importer shall be asked to create a username and password which shall be used every time the importer applies for an SPSIC.
3. Payment of fees to DTS and BPI.
4. The importer shall submit the List of Importable which is a primary requirement in the application of SPSIC to DTS. The BPI-Commodity Administrator shall approve the submitted List of Importable based

on the importers registered commodities with BPI and other SPS concerns, as maybe deemed necessary.

5. Upon registration, the importer shall apply for SPSIC through the DTS website.

SECTION 11. Certificate of Registration / Certificate of Renewal of Registration/Plant Quarantine Service Certificate - The COR / CRR / PQSC shall contain, among others, the following information:

1. Unique Registration Code Number issued by the BPI;
2. Name of Importer;
3. The authorized representative as well as the name of the company, cooperative, partnership, as the case maybe, that they represent ;
4. Address of the head office, branches and other establishment, as well as the address of the authorized representative;
5. Name of commodity (if applicable);
6. Date of issuance PQSC / COR / CRR and for the COR / CRR shall include the date of expiration;
7. The undertakings or conditions for registration.

SECTION 12. Procedure for Renewal of Registration - The procedure outlined in Section 9 hereof shall be observed in processing application for Renewal of Registration. Moreover, the following measures shall be complied with:

1. The Office of the Director shall issue a Certificate of Renewal of Registration (CRR);
2. For importers who failed to renew the registration six (6) months before the expiry date, the following procedures shall apply:
 - a. After the expiry date, the name of the importer and establishment shall be delisted from the List of Registered Importers uploaded in the BPI website and the DA website.
 - b. In case the importer applies for re-registration after the expiry date or after being delisted from the roll, the importer shall be considered as a new applicant.
 - c. The previously assigned Code/Registration Number of the importer shall be used in the Certificate of New Registration.
3. The members of the NPQSD Registration Team and/or staff of the nearest NPQSD office shall conduct inspection of the business enterprise (head office and branches, facilities, production/growing areas, etc.).

SECTION 13. Validity of the Certificate of Registration - The Certificate of Registration shall be valid for a period of three (3) years reckoned from the date of issuance of BOC accreditation. Succeeding Certificate of Renewal shall be valid for the same term.

SECTION 14. Criteria for Evaluation of Application - The application for registration shall be evaluated based on the following criteria:

1. Legitimacy of the business operations of the applicant;
2. Completeness of the documents required to be submitted;
3. Absence of a variance or misrepresentation of material facts on the following
 - a. On the part of the applicant vis-à-vis the documents submitted; and,
 - b. Among and across the documents submitted upon comparison.
4. Financial Capability.

SECTION 15. Mandatory Document Verification of Category 1 Commodities

1. The importer upon arrival of the imported processed products shall coordinate with the NPQSD office at the port of entry for document verification. The importer / broker shall allow unrestricted access to the authorized personnel of the BPI where the products are stored during reasonable working hours of the day if it may deemed necessary to conduct inspection and sampling;
2. The importer shall immediately inform NPQSD should there be any change/s in the information given in the application for registration.

SECTION 16. General Conditions for Registration as an Importer of Category 2, 3 or 4 commodities.

1. The importer shall renew the registration at least six (6) months before the expiry date. Application for renewal of registration after the expiry date shall be considered as new application;
2. The importer shall inform immediately BPI should there be any change/s in the information given in the application for registration;
3. Only the representative authorized to represent the importer as indicated in its application for registration shall be allowed to transact with the BPI except under special circumstances approved by the BPI and only upon presentation of a SPA properly executed, authenticated and notarized. Provided, further, that unless authorized by the BPI, no person can represent more than one applicant;
4. The importer shall abide by the other pertinent Philippine laws and rules and regulations of the DA;
5. The importer's registration shall be revoked/ cancelled for failure to comply with any of the foregoing undertaking.

**ARTICLE IV
ISSUANCE OF SPS IMPORT CLEARANCE (SPSIC)**

SECTION 17. Issuance of SPSIC - The application and issuance of an SPSIC shall be done in accordance with DA Memorandum Order No. 1, s. 2010 and shall comply with existing orders and circulars of the DA.

SECTION 18. Registration for SPSIC Application - Prior to the application of SPSIC, all BPI registered importers are required to register with DTS in accordance with Section 9 hereof.

SECTION 19. General Requirements for Importation of Plants, Planting Materials and Plant Products.

1. Any BPI registered importer who intends to import plants, planting materials and plant products under Category 2, 3 and 4 into the country shall secure an SPSIC from the BPI.
2. Only BPI registered importers and accredited by BOC shall be allowed to apply for SPSIC.
3. The importer shall not apply for an SPSIC without a valid importer's COR/ CRR from BPI or when the registration has expired;
4. SPSIC shall not be issued for the first time importation of a specific commodity except when a PRA has been undertaken relative to said commodity in accordance with BPI procedure on conducting PRA.
5. BPI shall not entertain or transact business with companies/ importers / brokers that have standing alert orders / smuggling case with the BOC and/or from any NPQSD office/ stations.
6. SPSIC is required prior to the shipment of imported commodities.
7. Pre-shipment requirements and post-shipments requirements as stipulated in the SPSIC shall be complied with by the exporting country and the importer.
8. All issued SPSIC are non-transferable;
9. The actual product/ consignment must be shipped out from the country of origin within twenty (20) days for fresh products and (60) days for other plant product, planting materials and plants, from the issuance of the SPSIC and must arrive before the expiry date as stipulated in the Import Conditions of the SPSIC.
10. Only the authorized broker as indicated in the SPSIC shall be allowed to transact business with the BPI except under special circumstances approved by the BPI and only upon presentation of a valid SPA. Provided, further, that unless authorized by the BPI, no broker can represent more than one applicant;
11. That failure to comply with any of the above-mentioned conditions shall mean revocation of their BPI Certificate of Registration as an importer.

SECTION 20. Documentary Requirements for Issuance of SPSIC - The following requirements must be complied by the importer for the issuance of SPSIC through the DTS:

1. Application form shall be accompanied with the following documentary requirements:
 - a. Pro-forma Invoice coming from the supplier;

- b. Non-GMO Certification or GMO Transformation Event Certification coming from the supplier;
 - c. Location from port of entry to final destination (for plants and planting materials);
 - d. Brief research proposal (for commodity used for research purposes);
 - e. Import Commodity Clearances/ Import Permit for tobacco, milled rice, coconut product, fiber and sugarcane from concerned bureau / agency and;
 - f. Other documents as maybe deemed necessary.
2. Payment of SPSIC processing fees to DTS and BPI.

SECTION 21. Procedure for Issuance of SPSIC - Issuance of SPSIC shall undergo the following steps;

1. The importer shall apply online in the DTS website. Upon receipt of such, the NPQSD technical staff shall evaluate the online application, considering the following:
 - a. Latest advisory of the relevant international bodies pertaining to the pest status of the source areas
 - b. Other information pertinent to SPS concerns.
 - c. Violation of the applicant importer during the processing period
2. Upon receipt of such, the NPQSD technical staff shall evaluate the online application.
3. The NPQSD-Chief shall endorse the evaluated application to the BPI Director.
4. Upon endorsement of the application and in accordance with the criteria set by this issuance, the BPI Director shall approve/disapprove the application.
5. If approved, the importer can now print the approved SPSIC and can now proceed with their importation.

ARTICLE V SCHEDULE OF FEES AND CHARGES

SECTION 22. Schedule of Fees and Charges - Relevant fees shall be imposed as necessary pursuant to DA AC No. 9, Series of 2015.

ARTICLE VI INSPECTION AT THE PORT OF ENTRY

SECTION 23. Procedures for Inspection at the Port of Entry - The commodity shall be subject to the existing procedures for inspection at the port of entry.

1. The importer shall file an Electronic Request for Inspection (e-RFI) with the DTS at least twenty-four (24) hours prior to the arrival of the shipment.
2. The following documents shall be submitted at the port of entry:
 - a. Hard copy of the e-RFI
 - b. Valid Phytosanitary Certificate (original) or Equivalent Certificate issued by the Plant Quarantine of the country of origin with the compliance of conditions (if any) stated in the SPSIC;
 - c. Valid SPSIC issued by the NPQSD;
 - d. Bill of Lading / Airway Bill;
 - e. BOC Import Entry Internal Revenue Declaration;
 - f. Packing List / Commercial Invoice;
 - g. Certificate of Analysis for Plant Food (from the country of origin);
 - h. GMO Certification, whenever applicable;
 - i. In the absence of the importer, photocopy of the Brokers BCC/SPA;
 - j. Fumigation Certificate or any other required treatment, if applicable, and;
 - k. Other documents as may be required.

SECTION 24. Conditions for Inspection

1. The importer shall submit to the proper office the imported plants, planting materials or plant products for inspection, evaluation and verification, testing and treatment, and destruction, when necessary, and shall allow unhampered access to the authorized personnel of the BPI where the products are stored during reasonable hours of the working day;
2. The importer shall at no time break the BPI seal and BOC seal (if present). The BPI seal and BOC seal (if present) shall only be broken by the duly assigned officer at the warehouse, in the presence of the importer, BOC Inspector (when present), warehouse owner/operator/representative and ~~Duty Free Authority representative~~ (where applicable);
3. The importer shall provide utility workers to assist the concerned BPI PQO / PQI in the opening and closing of the boxes during the conduct of physical inspection in order to expedite the unloading and inspection processes, which must be completed the soonest possible time to prevent adulteration;

SECTION 25. General Inspection Procedure

1. In the initial inspection conducted at the BOC Designated Examination Area (DEA), the NPQSD shall be allowed to check on the quality and quantity of the shipment based on the submitted documents of the importation.
2. Upon arrival of the imported commodities, NPQSD shall conduct *thorough check and inspection*. If the shipment contains

commodities/varieties other than that stated in the accompanying SPSIC, the excess shipment of other similar variety shall be segregated and recommended to BOC to be disposed in accordance with Section 29 (7) hereof, without prejudice to the filing and imposition of appropriate sanctions and penalties under article IX.

3. The PQO / PQI at the port of entry shall undertake the following procedures:
 - a. Collect representative samples necessary for laboratory analysis, and;
 - b. Examine the submitted samples to determine the presence of insects, diseases, nematodes, weed seeds, and other pests and;
 - c. Authorize the delivery under guard by PQO and follow-up inspection / examination at the importer's cold storage / warehouse.
4. Based on the results of inspection and examination, any of the following may be applied:
 - a. Applicable plant quarantine treatment (if necessary);
 - b. Return to the country of origin;
 - c. Re-export to other accepting countries; or,
 - d. Destruction.
5. In all cases, all expenses shall be borne by the importer.

SECTION 26. Collection and Analysis of Samples for Food Safety Purposes

1. The NPQSD shall randomly collect samples for food safety purposes.
2. The PPSSD, BPI accredited plant food testing laboratories and other government laboratories shall conduct analysis for pesticide residue level, heavy metals and/or toxins produced by microorganisms or any other tests required to determine safety for human consumption of imported plant food.

ARTICLE VII POST-ENTRY QUARANTINE

SECTION 27. Post Entry Quarantine Requirements - Imported plants and planting materials shall be placed under post entry quarantine observation during such period as may be ascertained by the Plant Quarantine Officer in order to fully satisfy the requirements of being free from exotic pests in or amongst the imported commodities, which may not be detectable at the time of inspection.

ARTICLE VIII SEIZURE AND DISPOSAL

SECTION 28. Grounds for Refused Entry and/or Seizure - The subject commodity shall not be released from the port of entry, if from the initial examination conducted at the BOC designated examination area (DEA), they have been found to have at least one of the following violations:

1. If the subject product/commodity arrived without the required SPSIC and International SPS Certificate; or
2. If the subject product/commodity arrived with a fake or expired SPSIC;
3. If the integrity of product/commodity has been compromised based on physical appearance;
4. If there are visible signs and symptoms of pests observed during the initial inspection;
5. If the product/commodity is forbidden or restricted from sale in the country in which it was produced or from which it was exported,
6. If the product / commodity after laboratory tests failed to comply with or violated the terms and conditions and phytosanitary measures provided in the accompanying SPSIC;
7. If upon evaluation and Certification of the PPSSD, the product contains pesticide residue, heavy metals, toxins and other contaminants above the maximum limit set by Philippine, ASEAN or Codex Standards;
8. Other analogous circumstances that warrant refusal of entry and/or seizure of the subject product / commodity imported.

SECTION 29. Procedure for Seizure or Refusal of Entry.

1. The BPI PQO / PQI shall inform the BOC Examiner whether the subject product/commodity is for seizure or for refusal of entry. In case of seizure, the product/commodity shall be seized right away, after the PQO / PQI has informed the BOC Examiner of such action. This procedure shall also be followed in case of products/commodities in transit.
2. If the commodity arrived at a port of entry other than Metro Manila, the collection of its samples for inspection shall be the responsibility of the regional office having jurisdiction over the port of entry.
3. The subject commodity shall be exempt from refusal of entry or seizure if such commodity is exported under regulations prescribed by the Bureau of Customs within ninety (90) days of the date of notice of such refusal or within such time as may be permitted pursuant to such regulations.
4. In case of the final border inspection, the DA Border Inspector shall be the one to take appropriate action after his findings and decision to seize the consignment.
5. The impounding and disposition shall be at the expense of the importer.
6. The concerned Plant Quarantine Officer (PQO) on duty shall submit a Letter Request for Seizure to the BOC stating the reason/s for the seizure. Three (3) copies of the same shall be issued as follows: one (1) copy shall be given to the BOC district collector; one (1) copy to the importer and one (1) copy shall be retained by the PQO/ DA Border

Inspector. Further, the notice shall indicate the date of condemnation and disposal of the product or commodities.

7. Commodities imported or brought unlawfully into the Philippines shall be disposed of in any of the following manners:
 - a. Seized and destroyed
 - b. Returned to the country of origin
 - c. Shipped to a third country
8. All expenses (including travel, per diem or subsistence, overtime pay and premium pay) of officers or employees of the Philippine government in connection with the disposition of the seized commodity and all expenses in connection with the storage, cargo or labor with respect to any commodity refused admission shall be paid by the importer.
9. The impounding or seizure shall not be a bar in the filing of appropriate cases in accordance with applicable laws.

ARTICLE IX SANCTIONS AND PENALTIES

SECTION 30. Sanctions and Penalties - The sanctions provided herein shall be without prejudice to the fines imposed under Section 34 hereof and other sanctions and penalties provided by Anti-Agricultural Smuggling Act, Food Safety Law, the Consumer Act of the Philippines, The Price Act, Anti-Dumping Act or any other applicable laws.

1. The SPSIC may be suspended or revoked at any time for any of the following grounds:
 - a. Providing false information in the application for SPSIC or in any of the accompanying documents to the application;
 - b. Misdeclaration of consignment;
 - c. Violation of relevant SPS, food safety and biosafety rules and regulations or any conditions imposed in the SPSIC;
 - d. Legal authority to commercially distribute the product in the country of origin has been suspended or revoked;
 - e. New technical information becomes available to the concerned bureau or agency indicating that the product, if allowed for its intended use will result to risks to human, animal or plant health or life and the environment; or
 - f. Reports of violation of the importer with other agencies.
2. The following acts are grounds for suspension of the registration:
 - a. Any importer who has been reported by PQ officers at the port of entry or by any other government agency (or even in any circular/order) to be involved in any attempt to smuggle any plants, planting materials, plant products or by-products or any agricultural commodities.
 - b. Refusal to allow the inspection of the physical containment facility or intermediate destination of the product;

- c. Legal authority to commercially distribute the product in the country of origin has been suspended or revoked
 - d. Any importer who employs or utilizes a suspended broker or broker firm.
 - e. If the importer has been issued a Show Cause Order due to violation of any acts mentioned in number 1 of this Section
 - f. Other analogous circumstances.
3. The importer's Certificate of Registration shall be revoked/cancelled on the following grounds:
- a. Misdeclaration, misrepresentation, false statements, dishonesty and fraud in the application for registration or renewal of registration;
 - b. Tolerated use by other non-registered importer or misuse/abuse of the importer's registration including the use of the name of the DA or BPI for extortion, illegal activities and other unlawful activities;
 - c. Tolerated conveyance, transfer, assignment of any issued documents by BPI relative to importation;
 - d. Any act or importation contrary to applicable laws, this Circular or issuances of the DA;
 - e. Diversion of shipment, alteration of the export/import documents, and other deviant acts or omissions leading to loss of trust and confidence;
 - f. Any violations provided in number 1 of this Section.
 - g. Other analogous circumstances.

SECTION 31. Effects of Revocation of Registration as Importer of Plants, Planting Materials and Plant Products.

- 1. Any importer / Company whose registration has been revoked shall be deemed blacklisted and included in the list of blacklisted or delinquent importers;
- 2. Importers / Company who are declared blacklisted shall not be qualified to apply for COR;
- 3. Any service agreement with the broker previously connected with any blacklisted company shall not be recognized by the Bureau of Plant Industry.
- 4. The list of all blacklisted or delinquent importers / brokers and those with expired COR shall be published and uploaded at the DA and bureau/NPQSD website.

SECTION 32. Show Cause Order - The NPQSD shall send a Show Cause Order requiring the importer to explain in writing the reported allegations or illegal act within three working days upon receipt of the demand letter. Failure to comply with the Show Cause Order, or an unsatisfactory response submitted, the BPI shall order the suspension or revocation of the COR / CRR.

SECTION 33. Suspension of Importation and Audit / Evaluation of the Export Program.

In cases of repeated quarantine pest interceptions at the port of entry, other SPS and food safety concerns at the source or upon arrival of the commodity, non-compliance with the requirements and conditions of this AC, other rules and regulations / bilateral & multilateral agreements / specific commodity of understanding / importation protocols, the BPI reserves the right to suspend the importation program of any commodity.

An audit / evaluation of the export program must be conducted. The program shall resume only when the BPI and the NPPO of the country of origin have mutually agreed on and instituted the necessary corrective measures to comply with the requirements and conditions of importation.

SECTION 34. Administrative Fines - In both instances as stated in Section 30 (1), (2) & (3), pursuant to Section 42, Chapter 5, Title IV, Book IV of the Revised Administrative Code of 1987, administrative fines ranging from PhP1,000.00 to PhP50,000.00, after proper legal proceedings, shall likewise be imposed to the importer of seized commodities by the BPI Director for the violation of and non-compliance of the provisions of this Circular.

The decision of the BPI Director shall be appealable to the Secretary of Agriculture.

**ARTICLE X
TRANSITORY PROVISION**

SECTION 35. Transitory Provision - Within six (6) months from the effectivity of this Circular, all current BPI accredited importers of plants, planting materials and plant products shall be allowed to import in accordance with the current importation guidelines/ procedures. Thereafter, all importers must undergo the registration process as provided by this Circular. Importers of garlic and onion who are registered in accordance with BPI PQS No. 1, s. of 2014 are already deemed registered under this Circular.

Likewise, all provisions pertaining to food safety shall be enforced six (6) months after effectivity of this Circular.

**ARTICLE XI
REPEALING CLAUSE**

SECTION 36. Repealing Clause - BPI PQS Nos. 1, 2, 3 & 4, s. of 1996 including BPI PQS No. 1, s. 2014 are hereby repealed. All existing administrative orders, memorandum, circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Circular are hereby repealed or modified accordingly.

**ARTICLE XII
SEPARABILITY CLAUSE**

SECTION 37. Separability Clause - If any portion of this Circular is declared unconstitutional or invalid, the other portions thereof which are not affected shall continue to be in full force and effect.

**ARTICLE XIII
EFFECTIVITY**

SECTION 38. Effectivity - This Circular shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and its filing with the National Administrative Register, U.P. Law Center.



PROCESO J. ALCALA
Secretary

DEPARTMENT OF AGRICULTURE
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