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SENATE

S. No. 2968

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(in substitution of SB Nos. 168, 442, 456, 741, 882, 2348, 2373 and 2913
taking into consideration P.S. Res. Nos. 444, 1339, 1533, 1534, 1536, 1537,
1538, 1539, 1549 and 1581)

Prepared by the Committee on Ways and Means with Senators Osmeña III,
Escudero, Recto, Ejercito-Estrada, Poe, Aquino IV, Defensor-Santiago, A.P.
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AN ACT

MODERNIZING THE CUSTOMS AND TARIFF ADMINISTRATION

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

TITLE I

PRELIMINARY PROVISIONS

CHAPTER 1

SHORT TITLE

SECTION 100. *Short Title.* – This Act shall be known as the
“Customs Modernization and Tariff Act (CMTA).”

CHAPTER 2

GENERAL AND COMMON PROVISIONS

SEC. 101. *Declaration of Policy.* – It is hereby declared the policy of
the State to protect and enhance government revenue, institute fair and
transparent customs and tariff management that will efficiently facilitate
international trade, protect and enhance government revenue, prevent and curtail
any form of customs fraud and illegal acts, and modernize customs and tariff
administration. Towards this end, the State shall:

(a) Develop and implement programs for the continuous enhancement of
customs systems and processes that will harmonize customs procedures;

1 (b) Adopt clear and transparent customs rules, regulations, policies and
2 procedures, consistent with international standards and customs best practices;

3 (c) Establish a regime of transparency of and accessibility to customs
4 information, customs laws, rules, regulations, administrative policies, procedures
5 and practices, in order to ensure informed, and diligent compliance with customs
6 practices and procedures by stakeholders;

7 (d) Consult, coordinate and cooperate with other government agencies
8 and the private sector in implementing and developing customs policy;

9 (e) Provide a fair and expeditious administrative and judicial appellate
10 remedy for customs related grievances and matters;

11 (f) Employ modern practices in customs administration and utilize
12 information and communications technology in the implementation of customs
13 functions; and

14 (g) Reform Tax Administration by hiring and maintaining competent and
15 professional customs officials and personnel to enforce the Customs and Tariff
16 Law.

17 **SEC. 102. Definition of Terms.** – As used in this Act:

18 (a) *Abatement* refers to the reduction or diminution, in whole or in part, of
19 duties and taxes where payment has not been made.

20 (b) *Actual or Outright Exportation* refers to the customs procedure
21 applicable to goods which, being in free circulation, leave the Philippine territory
22 and are intended to remain permanently outside it;

23 (c) *Admission* refers to the act of bringing imported goods directly or
24 through transit into a free zone;

25 (d) *Airway Bill (AWB)* refers to a transport document for airfreight used by
26 airlines and international freight forwarders which specify the holder or consignee
27 of the bill who has the right to claim delivery of the goods when they arrive at the
28 port of destination. It is a contract of carriage that includes carrier conditions,
29 such as limits of liability and claims procedures. In addition, it contains transport

1 instructions to airlines and carriers, a description of the goods, and applicable
2 transportation charges;

3 (e) *Appeal* refers to the remedy by which a person who is aggrieved or
4 adversely affected by any action, decision, order, or omission of the Bureau,
5 seeks redress before the Bureau, the Secretary of Finance, or competent court,
6 as the case may be;

7 (f) *Assessment* refers to the process of determining the amount of duties
8 and taxes and other charges due on imported and exported goods;

9 (g) *Authorized Economic Operator (AEO)* refers to the importer, exporter,
10 customs broker, forwarder, freight forwarder, transport provider, and any other
11 entity duly accredited by the Bureau based on the World Customs Organization
12 (WCO) Framework of Standards to Secure and Facilitate Global Trade, the
13 Revised Kyoto Convention (RKC), the WCO Supply Chain Management
14 Guidelines and the various national best practices to promote trade facilitation
15 and to provide a seamless movement of goods across borders through secure
16 international trade supply chains with the use of risk management and modern
17 technology;

18 (h) *Bill of Lading (B/L)* refers to a transport document issued by shipping
19 lines, carriers and international freight forwarders or non-vessel operating
20 common carrier for water-borne freight. The holder or consignee of the bill has
21 the right to claim delivery of the goods at the port of destination. It is a contract
22 of carriage that includes carrier conditions, such as limits of liability and claims
23 procedures. In addition, it contains transport instructions to shipping lines and
24 carriers, a description of the goods, and applicable transportation charges;

25 (i) *Bureau* refers to the Bureau of Customs;

26 (j) *Carrier* refers to the person actually transporting goods or in charge of
27 or responsible for the operation of the means of transport such as airlines,
28 shipping lines, freight forwarders, cargo consolidators, non-vessel operating
29 common carriers and other international transport operators;

1 (k) *Clearance* refers to the completion of customs and other government
2 formalities necessary to allow goods to enter for consumption, warehousing,
3 transit or transshipment, or to be exported or placed under another customs
4 procedure;

5 (l) *Commission* refers to the Tariff Commission.

6 (m) *Conditional Importation* refers to the customs procedure known under
7 the Revised Kyoto Convention (RKC) as temporary admission in which certain
8 goods can be brought into a customs territory conditionally relieved totally or
9 partially from payment of import duties and taxes; such goods must be imported
10 for a specific purpose and must be intended for re-exportation within a specified
11 period and without having undergone any change except normal depreciation
12 due to the use made of them.

13 (n) *Constructive Import or Export* refers to the movement of imported or
14 exported goods to and from a free zone and customs territory;

15 (o) *Customs Broker* refers to any person who is a *bona fide* holder of a
16 valid Certificate of Registration/Professional Identification Card issued by the
17 Professional Regulatory Board and Professional Regulation Commission
18 pursuant to Republic Act No. 9280, otherwise known as the "Customs Broker Act
19 of 2004;"

20 (p) *Customs Office* refers to any customs administrative unit that is
21 competent and authorized to perform all or any of the functions enumerated
22 under customs and tariff laws;

23 (q) *Customs Officer*, as distinguished from a *clerk* or *employee*, refers to a
24 person whose duty, not being clerical or manual in nature, involves the exercise
25 of discretion in performing the function of the Bureau. It may also refer to an
26 employee authorized to perform a specific function of the Bureau as provided in
27 this Act;

28 (r) *Customs Territory* refers to areas in the Philippines where customs
29 and tariff laws may be enforced.

1 (s) *Entry* refers to the act, documentation and process of bringing
2 imported goods into the customs territory, including goods coming from free
3 zones;

4 (t) *Export Declaration* refers to the act, documentation, and process of
5 bringing goods out of Philippine territory;

6 (u) *Flexible Clause* refers to the power of the President upon
7 recommendation of the NEDA (1) to increase, reduce or remove existing
8 protective tariff rates of import duty, but in no case be higher than 100% ad
9 valorem, (2) to establish import quota or to ban importation of any commodity as
10 maybe necessary, (3) to impose additional duty on all import not exceeding 10%
11 ad valorem whenever necessary.

12 (v) *Foreign Exporter* refers to one whose name appears on documentation
13 attesting to the export of the product to the Philippines regardless of the
14 manufacturer's name in the invoice.

15 (w) *Free Zone* refers to special economic zones registered with the
16 Philippine Economic Zone Authority (PEZA) under Republic Act No. 7916, as
17 amended, duly chartered or legislated freeports Special Economic Zones and
18 Freeports such as Clark Freeport Zone, Poro Point Freeport Zone, John Hay
19 Special Economic Zone and Subic Bay Freeport Zone under Republic Act No.
20 7227 as amended by Republic Act No. 9400, the Aurora Special Economic Zone
21 under Republic Act No. 9490, the Cagayan Special Economic Zone and Freeport
22 under Republic Act No. 7922, the Zamboanga City Special Economic Zone
23 under Republic Act No. 7903, and Freeport Area of Bataan under Republic Act
24 No. 9728 and such other freeports as established or maybe created by law;

25 (x) *Goods* refer to articles, wares, merchandise and any other items which
26 are subject of importation or exportation;

27 (y) *Goods declaration* refers to a statement made in the manner
28 prescribed by the Bureau and other appropriate agencies, by which the persons
29 concerned indicates the procedure to be observed in the application for the entry

1 or admission of imported or exported goods and the particulars of which the
2 customs administration shall require;

3 (z) *Importation* refers to the act of bringing in of goods from a foreign
4 territory into Philippine territory, whether for consumption, warehousing, or
5 admission as defined in this Act.

6 (aa) *Freight Forwarder* refers to a local entity that acts as a cargo
7 intermediary and facilitates transport of goods on behalf of its client without
8 assuming the role of a carrier, which can also perform other forwarding services,
9 such as booking cargo space, negotiating freight rates, preparing documents,
10 advancing freight payments, providing packing/crating, trucking and
11 warehousing, engaging as an agent/representative of a foreign non-vessel
12 operating as a common carrier/cargo consolidator named in a master bill of
13 lading as consignee of a consolidated shipment, and other related undertakings.

14 (bb) *Jurisdictional Waters* refers to the power and rights of the Bureau of
15 Customs in exercising supervision and police authority over all seas within the
16 jurisdiction of the Philippine territory and over all coasts, ports, airports, harbors,
17 bays, rivers and inland waters whether navigable or not from the sea.

18 (cc) *Lodgement* refers to the registration of a goods declaration with the
19 Bureau;

20 (dd) *Non-Vessel Operating Common Carrier (NVOCC)* refers to an entity,
21 which may or may not own or operate a vessel that provides a point-to-point
22 service which may include several modes of transport and/or undertakes group
23 age of less container load (LCL) shipments and issues the corresponding
24 transport document;

25 (ee) *Outright Smuggling* refers to an act of importing goods into the
26 country without complete customs prescribed importation documents, or without
27 being cleared by customs or other regulatory government agencies, for the
28 purpose of evading payment of prescribed taxes, duties and other government
29 charges.

1 (ff) *Perishable Goods* refers to goods liable to perish or goods that
2 depreciate greatly in value while stored or which cannot be kept without great
3 disproportionate expense, which may be proceeded to, advertised and sold at
4 auction upon notice if deemed reasonable;

5 (gg) *Port of Entry* refers to a domestic port open to both domestic and
6 international trade, including principal ports of entry and subports of entry. A
7 principal port of entry is the chief port of entry of the Customs District wherein it is
8 situated and is the permanent station of the District Officer of such port. Subports
9 of entry are under the administrative jurisdiction of the District Officer of the
10 principal port of entry of the Customs District. Port of entry as used in this Act
11 shall include airport of entry;

12 (hh) *Port of Discharge*, also called port of unloading, refers to a place
13 where a vessel, ship, aircraft or train unloads its shipments, from where they will
14 be dispatched to their respective consignees;

15 (ii) *Re-exportation* means exportation of goods which have been imported;

16 (jj) *Release of goods* refers to the action by the Bureau to permit goods
17 undergoing clearance to be placed at the disposal of the party concerned;

18 (kk) *Refund* refers to the return, in whole or in part, of duties and taxes
19 paid on goods;

20 (ll) *Security* refers to any form of guaranty, such as a surety bond, cash
21 bond, standby letter of credit or irrevocable letter of credit, which ensures the
22 satisfaction of an obligation to the Bureau;

23 (mm) *Smuggling* refers to the fraudulent act of importing any goods into
24 the Philippines, or the act of assisting in receiving, concealing, buying, selling,
25 disposing or transporting such goods, with full knowledge that the same has
26 been fraudulently imported, or the fraudulent exportation of goods. Goods
27 referred to under this definition shall be known as smuggled goods;

1 (nn) *Taxes* refer to all taxes, fees and charges imposed under this Act and
2 the National Internal Revenue Code (NIRC), as amended, and collected by the
3 Bureau;

4 (oo) *Technical Smuggling* refers to the act of importing goods into the
5 country by means of fraudulent, falsified or erroneous declaration of the goods to
6 its nature, kind, quality, quantity or weight, for the purpose of reducing or
7 avoiding payment of prescribed taxes, duties and other charges;

8 (pp) *Tentative Release* refers to a case where the assessment is disputed
9 and pending review importer may put up a cash bond equivalent to the duties
10 and taxes and obtain release of the goods.

11 (qq) *Transit* refers to the customs procedure under which goods, in its
12 original form, are transported under customs control from one customs office to
13 another, or to a free zone;

14 (rr) *Transshipment* refers to the customs procedure under which goods
15 are transferred under customs control from the importing means of transport to
16 the exporting means of transport within the area of one Customs office, which is
17 the office of both importation and exportation;

18 (ss) *Travelers* refers to any person who temporarily enters the territory of
19 a country in which he or she does not normally resides (non-resident), or who
20 leaves that territory, and any person who leaves the territory of a country in
21 which he or she normally resides (departing resident) or who returns to that
22 territory (returning resident);

23 (tt) *Third Party* refers to any person who deals directly with the Bureau, for
24 and on behalf of another person, relating to the importation, exportation,
25 movement or storage of goods.

26 **SEC. 103. *When Importation Begins and Deemed Terminated.*** –
27 Importation begins when the carrying vessel or aircraft enters the Philippine
28 territory with the intention to unload therein. Importation is deemed terminated
29 when:

1 (a) the duties, taxes and other charges due upon the goods have been
2 paid or secured to be paid at the port of entry unless the goods are free from
3 duties, taxes and other charges and legal permit for withdrawal has been
4 granted; or

5 (b) in case the goods are deemed free of duties, taxes and other
6 charges, the goods have legally left the jurisdiction of the Bureau.

7 **SEC. 104. When Duty and Tax is Due on Imported Goods.** – Except as
8 otherwise provided for in this Act or in other laws, all goods, when imported into
9 the Philippines, shall be subject to duty upon importation, including goods
10 previously exported from the Philippines.

11 Duties, taxes and other charges shall be paid prior to release of goods
12 from customs custody which shall not in any case exceed fifteen (15) days from
13 receipt of notice of final assessment. In case of withdrawal from the free zone of
14 goods intended for consumption in the customs territory, duties, taxes, and other
15 charges shall be paid prior to entry of the goods into the customs territory. In the
16 case of highly compliant and low-risk importers or exporters, the Bureau may
17 allow the deferred payment of duties and taxes for a period of not less than
18 fourteen (14) days but not exceeding thirty (30) days. The government or any of
19 its instrumentalities or agencies may avail of the deferred payment system for its
20 importations, subject to the terms and conditions specified by the corresponding
21 rules and regulation to be jointly issued by the Department of Finance (DOF) and
22 the Department of Budget and Management (DBM).

23 Unpaid duties, taxes and other charges, shall incur legal interest of twenty
24 percent (20%) per annum computed from the date of final assessment under
25 Section 429, when payment becomes due and demandable. The legal interest
26 shall likewise accrue on any fine or penalty imposed.

27 Upon payment of the duties, taxes and other charges, the Bureau shall
28 issue the necessary receipt or document as proof of such payment.

1 In case of deferred payment, the Bureau may initiate legal action for the
2 collection of unpaid duties, taxes and other charges within three (3) years from
3 its due date.

4 **SEC. 105. *Effective Date of Rate of Import Duty.*** – Imported goods
5 shall be subject to the import duty rates under the applicable tariff heading that
6 are effective at the date of importation or upon withdrawal from the warehouse
7 for consumption. In case of withdrawal from free zones for introduction to the
8 customs territory, the duty rate at the time of withdrawal shall be applicable on
9 the goods originally admitted, whether withdrawn in its original or advanced form.

10 In case of goods sold at customs public auction, the duty rates at the date
11 of the auction shall apply for purposes of implementing Section 1142 (a).

12 **SEC. 106. *Declarant.*** – A declarant may be a consignee or a person who
13 has the right to dispose of the goods. The declarant shall lodge a goods
14 declaration with the Bureau and may be:

15 (a) the importer, being the holder of the bill of lading; or

16 (b) the exporter, being the owner of the goods to be shipped out; or

17 (c) a customs broker acting under the authority of the importer or from a
18 holder of the bill.

19 In case the consignee or the person who has the right to dispose of the
20 goods is a juridical person, it may authorize a responsible officer of the company
21 to sign the goods declaration as declarant in its behalf.

22 The import declarations submitted to the Bureau shall be processed by
23 the declarant or by a licensed customs broker: *Provided, That in case of export,*
24 the export declaration shall be signed by the exporter or, at his option, delegate
25 the signing and processing of the document to his designated customs broker or
26 authorized representative as provided in RA 9280, as amended.

27 **SEC. 107. *Rights and Responsibilities of the Declarant.*** – The
28 declarant shall be responsible for the accuracy of the goods declaration and for
29 the payment of all duties, taxes, and other charges due on the imported goods.

1 The licensed customs broker shall likewise be responsible for the accuracy of the
2 goods declaration but shall not be responsible for the payment of duties, taxes
3 and other charges due on the imported goods.

4 The declarant shall sign the goods declaration, even when assisted by a
5 licensed customs broker, who shall likewise sign the goods declaration.

6 **SEC. 108. Penalties for Errors in Goods Declaration.** – The Bureau
7 shall not impose substantial penalties for errors when such errors are inadvertent
8 and there was no fraudulent intent or gross negligence in the Commission
9 thereof: *Provided*, That, in order to discourage repetition of such errors, a penalty
10 may be imposed but shall not be excessive.

11 **SEC. 109. Application of Information and Communications**
12 **Technology.** – In accordance with international standards, the Bureau shall
13 utilize information and communications technology to enhance customs control
14 and to support a cost-effective and efficient customs operations geared towards
15 a paperless customs environment.

16 The security of data and communication shall be in a manner that is
17 consistent with applicable local and internationally accepted standards on
18 information security.

19 The Bureau shall likewise include as part of its systems and processes, a
20 disaster preparedness and recovery plan to ensure business continuity by
21 maintaining its uptime goal for its electronic and online services.

22 For purposes of customs procedures, electronic documents, permits,
23 licenses or certificates shall be acceptable and shall have the legal effect, validity
24 or enforceability as any other document or legal writing: *Provided*, That when the
25 prescribed requirements are duly complied with, the Bureau shall:

- 26 (a) recognize the authenticity and reliability of electronic documents;
27 (b) submit approval in the form of electronic data messages or electronic
28 documents; and

1 (c) require and/or accept payments and issue receipts acknowledging
2 such payments through systems using electronic data messages or electronic
3 documents.

4 The introduction and implementation of information and communications
5 technology shall be undertaken with due consultation with directly affected
6 parties and stakeholders.

7 **SEC. 110. *Relationship Between the Bureau and Third Parties.*** –
8 Parties may transact business with the Bureau either directly or through a
9 designated third party to act on their behalf.

10 The customs transactions directly transacted by a party shall not be
11 treated less favorably or be subject to more stringent requirements than those
12 transacted through a designated third party.

13 A designated third party shall have the same rights and obligations as the
14 designating party when transacting business with the Bureau.

15 Subject to the provisions of existing laws, treaties, convention and
16 international agreements, the Secretary of Finance shall make the necessary
17 guidelines for the defined relationship of the Bureau and third parties.

18 **SEC. 111. *Information of General Application.*** – All laws, decisions,
19 rulings, circulars, memoranda and orders shall be published in accordance with
20 law.

21 To foster an informed compliance regime, the Bureau shall ensure that all
22 relevant and available information of general application pertaining to customs
23 operations and procedures which are not confidential or intended for the
24 Bureau's internal use only, shall be readily accessible to any interested person.

25 Any new information, amendment or changes to customs law,
26 administrative procedures or requirements, shall, as far as practicable, be made
27 readily available prior to its effective date of implementation unless advance
28 notice is precluded.

1 **SEC. 112. *Information of a Specific Nature.*** – The Bureau shall
2 provide information, not otherwise confidential or for the Bureau's internal use
3 only, relating to a specific matter as may be requested by an interested party for
4 legitimate use.

5 The Bureau may require the payment of a reasonable fee in providing
6 such information. the requested information shall be released within reasonable
7 time from filing of the request and payment of the fee.

8 **SEC. 113. *Decision and Ruling.*** – The Bureau shall, consistent with
9 Section 1502 of this Act, issue binding and advance decision and ruling at the
10 request of an interested party on matters pertaining to importation or exportation
11 of goods.

12 Upon written request of the interested party, the Bureau shall notify the
13 party of its decision in writing within a period specified in this Act or by regulation.
14 Should the decision be adverse to the requesting interested party, the reasons
15 thereof shall be indicated and the party shall be advised of the party's right of
16 appeal.

17 The ruling and decision shall be issued by the Bureau within 30 days from
18 the submission of the necessary documents and information.

19 **SEC. 114. *Right of Appeal, Forms and Ground.*** – Any party
20 adversely affected by a decision or omission of the Bureau pertaining to an
21 importation, exportation, or any other legal claim shall have the right of appeal
22 within thirty (30) days from receipt of the questioned decision or order.

23 An appeal in writing shall be filed within the period prescribed in this Act or
24 by regulation and shall specify the grounds thereof.

25 The Bureau may allow a reasonable time for the submission of supporting
26 evidence to the appeal.

1 (c) Written or printed goods, negatives or cinematographic film,
2 photographs, engravings, lithographs, objects, paintings, drawings or other
3 representation of an obscene or immoral character;

4 (d) Any goods manufactured in whole or in part of gold, silver or other
5 precious metals or alloys and the stamp, brand or mark does not indicate the
6 actual fineness of quality of the metals or alloys;

7 (e) Any adulterated or misbranded food or goods for human consumption
8 or any adulterated or misbranded drug in violation of relevant laws and
9 regulations;

10 (f) Infringing goods as defined under the intellectual property code and
11 related laws; and

12 (g) All other goods or parts thereof, which importation and exportation are
13 explicitly prohibited by law or rules and regulations issued by the competent
14 authority.

15 **SEC. 119. *Restricted Importation and Exportation.*** - Except when
16 authorized by law or regulation, the importation and exportation of the following
17 restricted goods are prohibited:

18 (a) Dynamite, gunpowder, ammunitions and other explosives, firearms
19 and weapons of war, or parts thereof;

20 (b) Roulette wheels, gambling outfits, loaded dice, marked cards,
21 machines, apparatus or mechanical devices used in gambling or the distribution
22 of money, cigars, cigarettes or other goods when such distribution is dependent
23 on chance, including jackpot and pinball machines or similar contrivances, or
24 parts thereof;

25 (c) Lottery and sweepstakes tickets, except advertisements thereof and
26 lists of drawings therein.

27 (d) Marijuana, opium, poppies, coca leaves, heroin or other narcotics or
28 synthetic drugs which are or may hereafter be declared habit forming by the
29 President of the Philippines, or any compound, manufactured salt, derivative, or

1 preparation thereof, except when imported by the government of the Philippines
2 or any person duly authorized by the Dangerous Drugs Board, for medicinal
3 purposes;

4 (e) Opium pipes or parts thereof, of whatever material; and

5 (f) Any other goods which importation and exportation are restricted.

6 The restriction to import or export the above stated goods shall include the
7 restriction on their transshipment.

8 CHAPTER 4

9 RELIEF CONSIGNMENT

10 **SEC. 120. *Relief Consignment.*** – Goods such as food, medicine,
11 equipment and materials for shelter, donated or leased to government institutions
12 and accredited private entities for free distribution to or use of victims of
13 calamities shall be treated and entered as relief consignment.

14 Upon declaration of a state of calamity, clearance of relief consignment
15 shall be a matter of priority and subject to a simplified customs procedure. the
16 Bureau shall provide for:

17 (a) Lodging of a simplified goods declaration or of a provisional or
18 incomplete goods declaration subject to completion of the declaration within a
19 specified period;

20 (b) Lodging, registering and checking of the goods declaration and
21 supporting documents prior to the arrival of the goods, and their release upon
22 arrival;

23 (c) Clearance beyond the designated hours of business or away from
24 customs offices and waiver of any corresponding charges; and

25 (d) Examination and/or sampling of goods only in exceptional
26 circumstances.

27 The DOF and the Department of Social Welfare and Development
28 (DSWD) shall jointly issue the rules and regulations for the implementation of this
29 provision.

1 (f) Assign or reassign any customs officer subject to the approval of the
2 Secretary of Finance: *Provided*, That District Officers and other customs officers
3 that perform assessment functions shall not remain in the same area of
4 assignment for more than three (3) years; and

5 (g) Perform all other duties and functions as may be necessary for the
6 effective implementation of this Act and other customs related laws.

7 **SEC. 202. *Functions of the Bureau.*** – The Bureau shall exercise the
8 following duties and functions:

9 (a) Assessment and collection of customs revenues from imported goods
10 and other dues, fees, charges, fines and penalties accruing under this Act;

11 (b) Simplification and harmonization of customs procedures to facilitate
12 movement of goods in international trade; Border control to prevent entry of
13 smuggled goods;

14 (c) Prevention and suppression of smuggling and other customs fraud;

15 (d) Facilitation and security of international trade and commerce through
16 an informed compliance program;

17 (e) Supervision and control over the entrance and clearance of vessels
18 and aircraft engaged in foreign commerce;

19 (f) Supervision and control over the handling of foreign mails arriving in
20 the Philippines for the purpose of collecting revenues and prevent the entry of
21 contraband;

22 (g) Supervision and control on all import and export cargoes, landed or
23 stored in piers, airports, terminal facilities, including container yards and freight
24 stations;

25 (h) Exercise of exclusive original jurisdiction over forfeiture cases under
26 this Act; and

27 (i) Enforcement of this Act and all other laws, rules and regulations
28 relating to tariff and customs administration.

1 the location of a District Office, its business hours and the staffing pattern
2 thereof, shall be based on the particular requirements of each district.

3 **SEC. 207. Ports of Entry.** – All ports of entry shall be under the
4 supervision and control of a Customs District. A District Officer shall be assigned
5 in the principal ports of entry while a Deputy District Officer may be assigned in
6 other types of ports of entry.

7 The principal ports of entry shall be located in Aparri, San Fernando,
8 Manila, Manila International Container Port, Ninoy Aquino International Airport,
9 Subic, Clark, Batangas, Legaspi, Iloilo, Cebu, Tacloban, Surigao, Cagayan de
10 Oro, Zamboanga, Davao, Limay and such other ports created pursuant to this
11 Act.

12 For the effective enforcement of Bureau functions, sea port and airport
13 authorities and private port and airport operators shall provide suitable facilities
14 for examination areas and for other customs equipment free of charge.

15 **SEC. 208. Power of the President to Open and Close Any Port.** –
16 Upon the recommendation of the Secretary of Finance, the President may open
17 or close any port of entry. Upon closure of a port of entry, the existing personnel
18 shall be reassigned by the Commissioner, subject to the approval of the
19 Secretary of Finance.

20 **SEC. 209. Assignment of Customs Officers and Employees to**
21 **Other Duties.** – The Commissioner, with the approval of the Secretary of
22 Finance, may assign any employee of the Bureau to any port, service, division or
23 office of the Bureau within the Bureau's staffing pattern or organizational
24 structure, or be assigned other duties: *Provided*, That such assignment shall not
25 affect the employees' tenure of office nor result to change of status, demotion in
26 rank and/or salary deduction.

27 **SEC. 210. Duties of the District Officer.**—The District Officer shall have
28 the following duties in their assigned Customs District:

29 (1) ensure entry of all imported goods at the customs office;

- 1 (2) prevent importation and exportation of prohibited goods;
- 2 (3) ensure legal compliance of regulated goods and facilitate the flow of
- 3 legitimate trade;
- 4 (4) value and classify imported goods;
- 5 (5) assess and collect duties, taxes and other charges on imported goods;
- 6 (6) hold and dispose imported goods in accordance with this Act;
- 7 (7) prevent smuggling and other customs fraud; and
- 8 (8) perform other necessary duties that may be assigned by the
- 9 Commissioner for the effective implementation of this Act.

10 Subject to the supervision and control of the District Officer, the duties and
11 functions of the District Officer may be delegated to the Deputy District Officer.
12 The Deputy District Officer assigned to a sub-port shall be under the supervision
13 and control of the District Officer of the corresponding principal port.

14 **SEC. 211. Authority of the District Officer to Hold the Delivery or**
15 **Release of Imported Goods.** – Except for government importation, the District
16 Officer shall hold the delivery of imported or consigned goods to an importer with
17 an outstanding and demandable account with the Bureau. Upon due notice to the
18 importer, the District Officer may sell the goods or any portion thereof to cover
19 the payment of the outstanding account. However, the importer may settle the
20 overdue obligation prior to the sale. The goods shall be released and delivered to
21 the importer only after payment of the duties, taxes, and other charges.

22 **SEC. 212. Temporary Succession of Deputy District Officer to**
23 **Position of Acting District Officer.** – In the absence or disability of a District
24 Officer or, in case of a vacancy, the Deputy District Officer shall temporarily
25 discharge the duties of the District Officer. Should there be no Deputy District
26 Officer, the District Officer shall designate, in writing, a senior ranking officer to
27 temporarily perform the duties of the District Officer. In case there are two or
28 more senior ranking officers with equal length of service, a drawing of lots shall

1 be undertaken. The District Officer shall report the designation to the
2 Commissioner within twenty-four (24) hours after the designation.

3 **SEC. 213. *Records to be Kept by Customs Officers.*** – District
4 Officers, Deputy District Officers, and customs officers acting in such capacities
5 must maintain permanent records of official transactions and turn-over all records
6 and official papers to their respective successors or other authorized officials.
7 The records shall be made available for inspection by other authorized officials of
8 the Bureau.

9 If required, the District Officer shall affix on all documents and records
10 requiring authentication the official dry seal of the Bureau.

11 **SEC. 214. *Reports of the District Officer to the Commissioner.*** –
12 The District Officer shall report to the Commissioner any probable or initiated
13 litigation within the Customs District and shall submit regular monthly reports on
14 all district transactions.

15 CHAPTER 3

16 EXERCISE OF POLICE AUTHORITY

17 **SEC. 215. *Persons Exercising Police Authority.*** – For the effective
18 implementation of this Act, the following persons are authorized to effect search,
19 seizure, and arrest:

20 (a) Officials of the Bureau, District Officers, Deputy District Officers, police
21 officers, agents, inspectors and guards of the Bureau;

22 (b) Officers and members of the Armed Forces of the Philippines (AFP)
23 and national law enforcement agencies;

24 (c) Officials of the BIR on all cases falling within the regular performance
25 of their duties, when payment of internal revenue taxes is involved; and

26 All officers authorized by the Commissioner to exercise police authority
27 shall at all times coordinate with the Commissioner.

1 Goods/articles seized by deputized officers pursuant to this Section shall
2 be physically turned-over immediately to the Bureau, unless provided under
3 existing laws, rules and regulations.

4 For this purpose, mission orders shall clearly indicate the specific name
5 carrying out the mission and the tasks to be carried out.

6 Subject to the approval of the Secretary of Finance, the Commissioner
7 shall define the scope, areas covered, procedures and conditions governing the
8 exercise of such police authority including custody and responsibility for the
9 seized goods. The rules and regulations to this effect shall be furnished the
10 concerned government agencies and personnel for guidance and compliance.

11 All seizures pursuant to this Section must be effected in accordance with
12 the provisions on the conduct of seizure proceedings provided for in Chapters 3
13 and 4 of Title XI of this Act.

14 **SEC. 216. Place Where Authority May be Exercised.** – All persons
15 conferred with powers in the preceding section may exercise the same at any
16 place within the jurisdiction of the Bureau of Customs.

17 The Bureau of Customs shall exercise police authority in all areas defined
18 in Section 300 of this Act. Port authorities shall provide authorized customs
19 officials with unhampered access to all premises of the customs zone within their
20 administrative jurisdiction.

21 The Bureau of Customs may exercise oversight police authority in
22 economic or free port zone subject to proper coordination with the governing
23 authority of the zone. For this purpose, to ensure consistency and harmony in
24 the formulation and implementation of customs policies affecting the zone, the
25 Commissioner of Customs shall sit as an *ex-officio* member of the board of
26 directors of all economic or freeport zone authorities.

27 **SEC. 217. Exercise of Power of Seizure.** – Any person exercising
28 police authority under this Act has the power and duty to seize any vessel,

1 aircraft, cargo, goods, animal or any other movable property when the same is
2 subject to forfeiture or when they are subject of a fine imposed under this Act.

3 **SEC. 218. *Duty of Officer to Disclose Official Character.*** – For the
4 proper exercise of police authority, any authorized person shall disclose the
5 nature of the authority upon being questioned at the time of exercise thereof shall
6 exhibit the corresponding written authority issued by the Commissioner.

7 **SEC. 219. *Authority to Require Assistance and Information.*** – Any
8 person exercising police authority may demand the assistance of and request
9 information from the Philippine National Police (PNP), Armed Forces of the
10 Philippines (AFP) and other national law enforcement agency, when necessary
11 to effect any search, seizure or arrest. It shall be the duty of any police officer
12 and other national law enforcers to give such lawful assistance.

13 **SEC. 220. *Authority to Enter Properties.*** – Any person exercising
14 police authority may at any time enter, pass through, and search any land,
15 enclosure, warehouse, store, building or structure not principally used as a
16 dwelling or house.

17 When a security personnel or any other employee lives in the warehouse,
18 store, or any building, structure or enclosure that is used for storage of goods, it
19 shall not be considered as a dwelling or house for purposes of this Act.

20 **SEC. 221. *Authority to Search Dwelling House.*** – A dwelling or house
21 may be entered and searched only upon warrant issued by a Judge of the Court
22 or such other responsible officers as may be authorized, the sworn application
23 thereon showing probable cause and particularly describing the place to be
24 searched and things to be seized.

25 **SEC. 222. *Authority to Search Vessels or Aircrafts and Persons or***
26 ***Goods Conveyed Therein.*** – Any person exercising police authority under this
27 Act may board, inspect, search and examine a vessel or aircraft and any
28 container, trunk, package, box or envelope found on board, and physically
29 search and examine any person thereon. In case of any probable violation of this

1 Act, the person exercising police authority may seize the goods, vessel, aircraft,
2 or any part thereof.

3 Such power to search includes removal of any false bottom, partition,
4 bulkhead, or any other obstruction for the purpose of uncovering any concealed
5 dutiable or forfeitable goods.

6 The proceeding herein authorized shall not give rise to any claim for
7 damage caused to the goods, vessel or aircraft, unless there is gross negligence
8 or abuse of authority in the exercise thereof.

9 **SEC. 223. Authority to Search Vehicles, Other Carriers, Persons**
10 **and Animals.** – Upon reasonable cause, any person exercising police authority
11 may open and examine any box, trunk, envelope, or other container for purposes
12 of determining the presence of dutiable or prohibited goods. This authority
13 includes the search of receptacles used for the transport of human remains and
14 dead animals. Such authority likewise includes the power to stop, search and
15 examine any vehicle or carrier, person or animals suspected of holding or
16 conveying dutiable or prohibited goods.

17 **SEC. 224. Authority to Search Persons Arriving From Foreign**
18 **Countries.** – Travelers arriving from foreign countries may be subjected to
19 search and detention by the customs officers. The dignity of the person under
20 search and detention shall be respected at all times.

21 **SEC. 225. Power to Inspect and Visit.** – The Commissioner or any
22 customs officer who is authorized in writing by the Commissioner, may demand
23 evidence of payment of duties and taxes on imported goods openly for sale or
24 kept in storage. In the event that the interested party fails to produce such
25 evidence within fifteen (15) days, the goods may be seized and subjected to
26 forfeiture proceedings: *Provided*, That during the proceedings the interested
27 party shall be given the opportunity to prove or show the source of the goods and
28 the payment of duties and taxes thereon: *Provided, further*, That when the
29 warrant of seizure has been issued but subsequent documents presented

1 evidencing proper payment are found to be authentic and in order, the District
2 Officer shall, within fifteen (15) days from the receipt of the motion to quash or
3 recall the warrant, shall cause the immediate release of the goods seized,
4 subject to clearance by the Commissioner: *Provided, furthermore,* That the
5 release thereof shall not be contrary to law.

6 TITLE III

7 CUSTOMS JURISDICTION AND CUSTOMS CONTROL

8 CHAPTER 1

9 CUSTOMS JURISDICTION

10 **SEC. 300. *Customs Jurisdiction.*** – For the effective implementation
11 of this Act, the Bureau shall exercise jurisdiction over all seas within Philippine
12 territory and all coasts, ports, airports, harbors, bays, rivers and inland waters
13 whether navigable or not from the sea and any means of conveyance.

14 The Bureau shall pursue imported goods subject to seizure during its
15 transport by land, water and air and shall exercise jurisdiction as may be
16 necessary for the effective enforcement of this Act. When a vessel or aircraft
17 becomes subject to seizure for violation of this Act, a pursuit of such vessel or
18 aircraft which began within the territorial waters or air space may continue
19 beyond the same, and the vessel or aircraft may be seized in the high seas or
20 international air space.

21 CHAPTER 2

22 CUSTOMS CONTROL

23 **SEC. 301. *Customs Control Over Goods.*** – All goods, including
24 means of transport, entering or leaving the customs territory, regardless of
25 whether they are liable to duties and taxes, shall be subject to customs control to
26 ensure compliance with this Act.

27 In the application of customs control, the Bureau shall use audit-based
28 controls and risk management systems and adopt a compliance measurement
29 strategy to support risk management.

1 The Bureau shall seek to cooperate and conclude mutual administrative
2 assistance agreements with other customs administrations to enhance customs
3 control. The Bureau shall consult, coordinate, and cooperate with other
4 government regulatory agencies, free zones authorities, and the customs
5 stakeholders in general to enhance customs control.

6 **SEC. 302. *Enforcement of Port Regulation of Bureau of Quarantine.*** -

7 Customs officials and employees shall cooperate with the quarantine authorities
8 in the enforcement of the port quarantine regulations promulgated by the Bureau
9 of Quarantine and shall give effect to the same in so far as connected with
10 matters of shipping and navigation.

11 **SEC. 303. *Control Over Premises Used for Customs Purposes.*** -

12 The Bureau shall, for customs purposes, have exclusive control, direction and
13 management of customs offices, facilities, warehouses, ports, airports, wharves,
14 and other premises in the Customs Districts, in all cases without prejudice to the
15 general police powers of the local government units (LGUs), the Philippine Coast
16 Guard and of law enforcement agencies in the exercise of their respective
17 functions.

18 **SEC. 304. *Power of the President to Subject Premises to Customs***

19 ***Jurisdiction.*** - The President may, by executive order, declare any public
20 wharf, landing place, street or land, in any port of entry under the jurisdiction of
21 the Bureau as may be necessary, for customs purposes.

22 **SEC. 305. *Trespass or Obstruction of Customs Premises.*** -

23 No person shall enter or obstruct a customs office, warehouse, port, airport, wharf,
24 or other premises under the control of the Bureau without prior authority,
25 including the streets or alleys where these facilities are located.

26 **SEC. 306. *Special Surveillance for the Protection of Customs***

27 ***Revenue and Prevention of Smuggling.*** - The Bureau shall conduct
28 surveillance on vessels or aircrafts entering Philippine territory and on imported
29 goods entering the customs office: *Provided*, That the function of the Philippine

1 Coast Guard to prevent and suppress the illegal entry of these goods, smuggling
2 and other forms of customs fraud and violations of maritime law and its proper
3 surveillance of vessels entering and/or leaving Philippine territory as provided in
4 Republic Act No. 9993, otherwise known as the "Philippine Coast Guard Law of
5 2009," shall continue to be in force.

6 **SEC. 307. Temporary Storage Of Goods.** – Subject to the rules and
7 regulations to be issued by the Secretary of Finance, the Commissioner shall
8 establish a system for temporary storage of imports prior to goods declaration.

9 TITLE IV

10 IMPORT CLEARANCE AND FORMALITIES

11 CHAPTER 1

12 GOODS DECLARATION

13 **SEC. 400. Goods to be Imported through Customs Office.** – All
14 goods imported into the Philippines shall be entered through a customs office at
15 a port of entry, or may be admitted to or removed from a free zone as defined in
16 this Act, as the case may be.

17 **SEC. 401. Importations Subject to Goods Declaration.** – Unless
18 otherwise provided for in this Act, all imported goods shall be subject to the
19 lodgement of a goods declaration. A goods declaration may be for consumption,
20 for customs bonded warehousing, for admission, for conditional importation, or
21 for customs transit.

22 **SEC. 402. Goods Declaration for Consumption.** - All goods declaration
23 for consumption shall be cleared through a formal entry process except for the
24 following goods which shall be cleared through an informal entry process:

25 (a) Goods of a commercial nature with free on board (FOB) or free carrier
26 at (FCA) value of less than Fifty Thousand Pesos (P50,000.00); and

27 (b) Personal and household effects or goods, not in commercial quantity,
28 imported in a passenger's baggage or mail.

1 The Commissioner may adjust the value of goods of commercial nature
2 that shall be cleared through an informal entry process.

3 All importations entered through a formal entry process shall be covered
4 by a letter of credit or any verifiable commercial document evidencing payment
5 or in cases where there is no sale for export, by any commercial document
6 indicating the commercial value of the goods.

7 **SEC. 403. *Provisional Goods Declaration.*** - Where the declarant does
8 not have all the information or supporting documents required to complete the
9 goods declaration, the lodging of a provisional goods declaration may be
10 allowed: *Provided*, that it substantially contains the necessary information
11 required by the Bureau and the declarant undertakes to complete the information
12 or submit the supporting documents within forty-five (45) days from the filing of
13 the provisional goods declaration, which period may be extended by the bureau
14 for another forty-five (45) days for valid reasons.

15 If the Bureau accepts a provisional goods declaration, the duty treatment
16 of the goods shall not be different from that of goods with complete declaration.

17 Goods under a provisional goods declaration may be released upon
18 posting of any security required equivalent to the amount that is disputed to
19 ensure collection of applicable duties and taxes.

20 **SEC. 404. *Owner of Imported Goods.*** – All goods imported into the
21 Philippines shall be deemed to be the property of the consignee or the holder of
22 the bill of lading, airway bill or other equivalent transport document if duly
23 endorsed by the consignee therein, or, if consigned to order, duly endorsed by
24 the consignor. The underwriters of abandoned goods and the salvors of goods
25 saved from wreck at sea, coast, or any area of the Philippines, may be regarded
26 as the consignees.

27 **SEC. 405. *Liability of Importer for Duties and Taxes.*** – The liability
28 for duties, taxes, fees, and other charges attached to importation constitutes a
29 personal debt due and demandable against the importer in favor of the

1 government and shall be discharged only upon payment of duties, taxes, fees,
2 and other charges. It also constitutes a lien on the imported goods which may be
3 enforced while such goods are under customs' custody.

4 **SEC. 406. *Importations by the Government.*** – Except those provided
5 for in Section 800 of this Act, all importations by the government for its own use
6 or that of its subordinate branches or instrumentalities, or corporations, agencies
7 or instrumentalities owned or controlled by the government, shall be subject to
8 the duties, taxes, fees, and other charges under this Act.

9 **SEC. 407. *Goods Declaration and Period of Filing.*** – As far as
10 practicable, the format of the goods declaration shall conform with international
11 standards. The data required in the goods declaration shall be limited to such
12 particulars that are deemed necessary for the assessment and collection of
13 duties and taxes, the compilation of statistics and compliance with this Act. The
14 Bureau shall require the electronic lodgement of the goods declaration.

15 The Bureau shall only require supporting documents necessary for
16 customs control to ensure that all requirements of the law have been complied
17 with. Translation of supporting documents shall not be required except when
18 necessary.

19 Goods declaration must be lodged within fifteen (15) days from the date of
20 discharge of the last package from the vessel or aircraft. The period to file the
21 goods declaration may, upon request, be extended on valid grounds for another
22 fifteen (15) days: *Provided*, That the request is made before the expiration of the
23 original period within which to file the goods declaration: *Provided, however*, That
24 the period of the lodgement of the goods declaration may be adjusted by the
25 Commissioner.

26 **SEC. 408. *Lodgement and Amendment Goods Declaration.*** – The
27 Bureau shall permit the electronic lodging of the goods declaration at any
28 designated customs office. The Bureau shall, for valid reason and under terms
29 and conditions provided by regulation, permit the declarant to amend the goods

1 declaration that has already been lodged: *Provided*, that the request to amend
2 the goods declaration, together with the intended amendments, must be received
3 prior to final assessment or examination of the goods.

4 **SEC. 409. *Advance Lodgement and Clearance.*** - The Bureau may
5 provide for the lodgement and clearance of goods declaration and supporting
6 documents prior to the arrival of the goods under such terms and conditions as
7 may be provided by rules and regulations to be promulgated under this Act.

8 **SEC. 410. *Entry of Goods in Part for Consumption and in Part for***
9 ***Warehousing.*** – Goods declaration covered by one bill of lading or airway bill
10 over goods which are meant in part for consumption and in part for warehousing
11 may be both entered simultaneously for release at the port of entry.

12 **SEC. 411. *Contents of Goods Declaration.***– Goods declarations shall
13 contain the names of the consignee, importing vessel or aircraft, port of
14 departure, port of destination and date of arrival, the number and marks of
15 packages, or the quantity, if in bulk, the nature and correct commodity
16 description of the goods contained therein, its value as set forth in a proper
17 invoice, and such other information as may be required by rules and regulation.

18 **SEC. 412. *Statements to be Provided in the Goods Declaration.*** –
19 No entry of imported goods shall be allowed unless the goods declaration has
20 been lodged with the Bureau. The goods declaration shall, under penalties of
21 falsification or perjury, contain the following statements:

22 (a) The invoice and goods declaration contain an accurate and faithful
23 account of the prices paid or payable for the goods, and other adjustments to the
24 price actually paid or payable, and that nothing has been omitted therefrom or
25 concealed whereby the government of the Republic of the Philippines might be
26 defrauded of any part of the duties and taxes lawfully due on the goods; and

27 (b) To the best of the declarant's information and belief, all the invoices
28 and bills of lading or airway bills relating to the goods are the only ones in
29 existence relating to the importation in question, and that these documents are

1 in the same state as when they were received by the declarant, and the
2 declaration thereon are in all respects genuine and true.

3 Goods declaration shall be submitted electronically pursuant to Republic
4 Act No. 8792 otherwise known as the Electronic Commerce Act of 2000. Such
5 declarations when printed and certified by a competent customs officer as a
6 faithful reproduction of the electronic submission shall be considered as
7 actionable documents for purposes of prosecuting a declarant if the declarations
8 are found to be fraudulent.

9 **SEC. 413. Description of Goods.** – Under such terms and conditions
10 prescribed under the rules and regulations, the description of the goods in the
11 goods declaration must be sufficient and specific in detail to enable the goods to
12 be identified for valuation, statistical purposes, to be classified to the appropriate
13 tariff heading and subheading in the currency of the invoice, and in such other
14 particulars necessary for the proper assessment and collection of duties and
15 taxes. The quantity and values of each of the several classes of goods shall be
16 separately declared according to their respective headings or subheadings and
17 the totals of each heading or subheading shall be duly shown.

18 **SEC. 414. Commercial and Non-commercial Invoice.** – Commercial
19 invoice of imported goods shall contain the following:

- 20 (a) the agreed price paid or to be paid for the goods;
- 21 (b) the adjustments to the price paid or to be paid as defined in Section
22 701 (1) of this Act, if not yet included in the invoice;
- 23 (c) the names of the buyer, seller, and the time and place of sale;
- 24 (d) the port of entry;
- 25 (e) a sufficient description to enable the accurate identification of goods
26 for tariff classification, customs valuation, and statistical purposes, indicating the
27 correct commodity description, in customary term or commercial designation,
28 the grade or quality, numbers, marks or symbols under which they are sold by

1 the seller or manufacturer, together with the marks and number of packages in
2 which the goods are packed;

3 (f) the quantities in the weights or measures of the goods shipped; and

4 (g) any other fact deemed necessary for the proper examination, customs
5 valuation, and tariff classification of the goods as may be prescribed by rules and
6 regulation

7 To the extent possible, the above requirements shall also apply to goods
8 imported not covered by sale, such as goods on consignment or lease, samples,
9 or donations, covered by a consignment, pro-forma invoice, or other non-
10 commercial invoice.

11 **SEC. 415. *Mode of Payment and Terms of Trade.*** – Subject to
12 existing laws and rules on foreign currency exchange, the internationally
13 accepted standards and practices on the mode of payment or remittance
14 covering import and export transactions, including standards developed by
15 international trading bodies such as the International Chamber of Commerce
16 (ICC) on trading terms (incoterms) and on international letters of credit such as
17 the Uniform Customs and Practice for Documentary Credits (UCP), shall be
18 recognized.

19 **SEC. 416. *Examination of Samples.*** – Customs officers shall see to it
20 that representative samples taken during examination shall be properly receipted
21 for and retained within a reasonable period of time. The quantity and value of
22 the samples taken shall be noted in the specified box of the import entry or
23 electronic form. Such samples shall be duly labeled as will definitely identify them
24 with the importation for which they are taken.

25 **SEC. 417. *Forwarding of Cargo and Remains of Wrecked Vessel or***
26 ***Aircraft.*** – When vessels or aircrafts are wrecked within the Philippines, the
27 original owners or consignees of the cargo, or by its underwriters, in case of
28 abandonment, may seek approval from the Bureau to forward the goods saved
29 from the wreck to the ports of destination without going through the customs

1 office in the district in which the goods were cast ashore or unloaded. Upon
2 approval, the goods may be forwarded with particular manifests and duly certified
3 by a customs officer in charge of the goods.

4 The owner of the vessel or aircraft may be permitted to export the remains
5 of the wreck upon proper examination and inspection. The remains of a wrecked
6 vessel shall include not only its hull and rigging, but also all sea stores, goods
7 and equipment, such as sails, ropes and chain anchors.

8 **SEC. 418. Derelicts and Goods from Abandoned Wrecks.** –
9 Derelicts and all goods recovered from sea or from abandoned wrecks shall be
10 under the jurisdiction of the port where the goods arrive, and shall be retained in
11 the custody of the Bureau. If not claimed by the owner, underwriter or salvor, the
12 same shall be deemed as property of the government.

13 When such goods are brought into port by lighters or other craft, each
14 vessel shall submit a manifest of their respective cargo.

15 The customs officer nearest the scene of the wreck shall take charge of
16 the goods saved and shall give immediate notice to the District Officer or the
17 nearest customs office.

18 In order to prevent any attempt to commit fraud, the District Officer shall
19 be represented at the salvage of the cargo by customs officers who shall
20 examine and receive the inventory made on the cargo.

21 Derelicts and goods salvaged from foreign vessels or aircrafts recovered
22 from sea or wreck are *prima facie* dutiable and may be entered for consumption
23 or warehousing. If claimed to be of Philippine production, and consequently
24 conditionally duty-free, proof must be submitted as in ordinary cases of re-
25 importation of goods. Foreign goods landed from a vessel or aircraft in distress
26 is dutiable if sold or disposed of in the Philippines.

27 Before any goods taken from a recent wreck are admitted to the customs
28 territory, the same shall be appraised, and the owner or importer shall have the
29 same right to appeal as in ordinary importation.

1 No part of a Philippine vessel or aircraft or its equipment, wrecked either
2 in Philippine or foreign waters, shall be subject to duty.

3 CHAPTER 2

4 EXAMINATION OF GOODS

5 **SEC. 419. Examination of Goods.** – Examination of goods, when
6 required by the Bureau, shall be conducted immediately after the goods
7 declaration has been lodged. Priority in the examination shall be given to live
8 animals, perishable goods and other goods requiring immediate examination.

9 Whenever necessary, a system of coordination and joint examination of
10 goods shall be established by the Bureau and other regulatory agencies under
11 existing laws and regulations.

12 As a general rule, the Bureau may examine the goods in the presence of
13 the declarant or an authorized representative. Examination of the goods in the
14 absence of the declarant or authorized representative may be allowed in
15 exceptional circumstance and for valid and justifiable grounds. The Bureau may
16 require the declarant to be present or to be represented at the examination of the
17 goods or to render any assistance necessary to facilitate the examination.

18 The Bureau shall take samples of the goods only when needed to
19 establish the tariff description and value of goods declared, or to ensure
20 compliance with this Act. Samples drawn shall be as minimal as possible.

21 **SEC. 420. Conditions for Examination.** – Pursuant to internationally
22 accepted standards, the Bureau may adopt non-intrusive examination of goods,
23 such as the use of x-ray machines.

24 Physical examination of the goods shall be conducted when:

25 (a) it is directed by the Commissioner on account of a derogatory
26 information;

27 (b) the goods are subject to an Alert Order issued by competent authority;

28 (c) the goods are electronically selected for physical examination;

1 (d) there are issues and controversies surrounding the goods declaration
2 and the import clearance process; or

3 (e) the importer or declarant requests for the examination of the goods.

4 The Commissioner may exempt from physical examination the goods of
5 authorized economic operators or of those provided for under any existing trade
6 facilitation program of the Bureau.

7 Physical examination, when required, shall be conducted in an
8 expeditious manner.

9 **SEC. 421. Duties of Customs Officer Tasked to Examine the**
10 **Imported Goods.** – In the examination, classification, and valuation of the
11 goods, the customs officer shall:

12 (a) determine whether the packages for examination and their contents
13 are in accordance with the goods declaration, invoice and other pertinent
14 documents;

15 (b) take samples of the imported goods for examination or laboratory
16 analysis when necessary;

17 (c) issue a receipt for a sample taken and retained during examination;

18 (d) report whether the goods have been correctly declared as to quantity,
19 measurement, weight, tariff classification and not imported contrary to law.

20 Failure on the part of the customs officer to perform the above duties shall
21 be penalized according to Section 1431 of Title XIV of this Act.

22 **SEC. 422. Customs Expenses Constituting Charges on Goods.** –
23 The cost of examination shall be for the account of the importer or exporter. All
24 expenses incurred by the Bureau for the handling or storage of goods and other
25 necessary operations shall be chargeable against the goods, and shall constitute
26 a lien thereon.

1 **SEC. 427. *Readjustment of Appraisal, Classification or Return.*** –

2 Such appraisal, classification return as finally passed upon and approved or
3 modified by the district officer shall not be altered or modified in any manner,
4 except:

5 (a) Within one year after payment of the duties, upon statement of error in
6 conformity with Section 912 as approved by the District Officer;

7 (b) Within fifteen (15) days after such payment upon request for
8 reappraisal or reclassification addressed to the commissioner by the District
9 Officer, if the appraisal or classification is deemed to be low;

10 (c) Upon request for reappraisal and/or reclassification, in the form of a
11 timely protest addressed to the district officer by the interested party if the latter
12 should be dissatisfied with the appraisal or return;

13 (d) Upon demand by the Commissioner after the completion of
14 compliance audit in accordance with the provisions of this Act.

15 **SEC. 428. *Assessment of Duty on Less Than Entered Value.*** – Duty

16 shall not be assessed in any case upon an amount less than the entered value,
17 unless by direction of the commissioner in cases when the importer certifies at the
18 time of entry that the entered value is higher than the dutiable value and that the
19 goods are so entered in order to meet increases made by the appraiser in similar
20 cases then pending re-appraisal; and the lower assessment shall be allowed
21 only when the importer's contention is sustained by the final decision, and shall
22 appear that such action of the importer was taken in good faith after due
23 diligence and inquiry.

24 **SEC. 429. *Final Assessment.*** – Assessment shall be deemed final fifteen
25 (15) days after receipt of the notice of assessment by the importer or consignee.

26 **SEC. 430. *Period of Limitation.*** – In the absence of fraud and when
27 the goods have been finally assessed and released, the assessment shall be
28 conclusive upon all parties three (3) years from the date of final payment of
29 duties, or upon completion of the post clearance audit.

1 **SEC. 431. Release of Goods after Payment of Duties and Taxes. –**
2 Goods declared shall be released when duties and taxes and other lawful
3 charges have been paid or secured and all the pertinent laws, rules and
4 regulations have been complied with.

5 When the Bureau requires laboratory analysis of samples, detailed
6 technical documents or expert advice, it may release the goods before the
7 results of such examination are known after posting of sufficient security by the
8 declarant.

9 **SEC. 432. Release of Goods to the Holder of Bill of Lading or**
10 **Airway Bill. –** Any customs officer who releases goods to the consignee or
11 lawful holder of the bill of lading or airway bill shall not be liable for any defect or
12 irregularity in its negotiation unless the customs officer has notice of the defect or
13 irregularity.

14 **SEC. 433. Release of Goods Without Production of Bill of Lading**
15 **or Airway Bill. –** No customs officer shall release goods to any person without
16 the submission of the bill of lading or airway bill covering the goods, except on
17 written order of the carrier or agent of the vessel or aircraft, in which case neither
18 the government nor the customs officer shall be held liable for any damage
19 arising from wrongful release of the goods: *Provided,* That when the release of
20 goods is made against such written order, the customs officer shall require the
21 submission of a copy of the bill.

22 **SEC. 434. Release of Goods Upon Order of Importer. –** An
23 importer may issue a written authorization for the release of goods stored in a
24 bonded warehouse to another person. Such authorization shall not relieve the
25 importer from liability for the duties, taxes and other charges due on the goods
26 unless the person to whom the release was authorized assumes such liability.

27 **SEC. 435. Withholding Release Pending Satisfaction of Lien. –**
28 When the District Officer is duly notified through a lawful order of a competent
29 court of a lien for freight, lighthouse or general average upon any imported

1 goods, the District Officer shall withhold the release of the goods unless the
2 claim has been paid or secured. In case of disagreement, the district officer may
3 release the goods after payment of the freight and lighterage due on the quantity
4 or weight landed as actually determined.

5 **SEC. 436. *Fine or Surcharge on Goods.*** – Goods subject to any fine
6 or surcharge shall be released only after the payment of the fine or surcharge.

7 **CHAPTER 4**

8 **SPECIAL PROCEDURES**

9 **SEC. 437. *Traveler And Passenger Baggage.*** – The Bureau shall
10 provide simplified customs procedure for traveler and baggage processing based
11 on international agreements and customs best practices.

12 Travelers shall be permitted to export goods for commercial purposes,
13 subject to compliance with the necessary export formalities and payment of
14 export duties, taxes, and charges, if any.

15 **SEC. 438. *Postal Item Or Mail.*** – Postal item or mail shall include
16 letter-post and parcels, as described in international practices and agreements,
17 such as the Acts of the Universal Postal Union (AUPU), currently in force.

18 A simplified procedure shall be used in the clearance of postal item or
19 mail, including the collection of the applicable duties and taxes on such items or
20 goods.

21 When all the information required by the customs are available in the
22 special declaration form for postal items as provided in the AUPU or similar
23 international agreements, the special declaration form and supporting documents
24 shall be the goods declaration. However, a separate goods declaration shall be
25 required for the following:

- 26 (a) Goods whose value fall within the level that the Commissioner has
27 determined to be taxable and thus must be covered by a goods declaration;
28 (b) Prohibited and regulated goods;
29 (c) Goods the exportation of which must be certified; and

1 (d) Imported goods under a customs procedure other than for
2 consumption.

3 **SEC. 439. *Express Shipment.*** – The Bureau shall provide simplified
4 customs procedures based on international standards and customs best
5 practices for air shipments considered as time-sensitive and requiring pre-arrival
6 clearance. Express shipments of accredited air express cargo operators may be
7 released prior to the payment of the duty, tax, and other charges upon posting of
8 a sufficient security.

9 **TITLE V**

10 **EXPORT CLEARANCE AND FORMALITIES**

11 **CHAPTER 1**

12 **EXPORT CLEARANCE AND DECLARATION**

13 **SEC. 500. *Export Goods Declaration.*** – All goods exported from the
14 Philippines, whether subject to export duty or not, shall be declared through a
15 competent customs office through an export goods declaration, duly signed
16 electronically or otherwise by the party making the declaration.

17 The description of the goods in the export declaration must contain
18 sufficient and specific information for statistical purposes and as well as for the
19 proper valuation and classification of the goods.

20 **SEC. 501. *Export Product to Conform to Standard Grades.*** – If
21 applicable, products shall conform to export standard grades established by the
22 government. The packaging of the said goods shall likewise be labeled and
23 marked in accordance with related laws and regulations. Export permits may not
24 be granted for goods violating the aforementioned requirements.

25 **SEC. 502. *Lodgement and Processing of Export Declaration.*** The
26 Bureau of Customs shall promulgate rules and regulations to allow manual and
27 electronic lodgement and processing of the export declaration.

28 **SEC. 503. *Rules of Origin.*** - Pursuant to the applicable rules of origin,
29 the Bureau or any other designated government agency may determine the

1 origin of goods for export and, if appropriate, issue the corresponding certificates
2 of origin. However, the exporter may adopt a self-certification system, provided
3 that it is duly accredited by the Bureau or any other authorized government
4 agencies.

5 **TITLE VI**

6 **CUSTOMS TRANSIT AND TRANSSHIPMENT**

7 **CHAPTER 1**

8 **CUSTOMS TRANSIT**

9 **SEC. 600. *Customs Transit in the Customs Territory.*** – Customs
10 transit within the customs territory shall be allowed for goods except those
11 intended for consumption, to be transported as follows:

12 (a) from port of entry to another port of entry as exit point for outright
13 exportation;

14 (b) from port of entry to another port of entry or inland customs office;

15 (c) from inland customs office to a port of entry as exit point for outright
16 exportation; and

17 (d) from one port of entry or inland customs office to another port of entry
18 or inland customs office.

19 A transit permit is required for goods transported under customs transit.
20 However, transfer of goods in customs transit from one means of transport to
21 another shall be allowed: *Provided*, That any customs seal or fastening is not
22 broken or tampered.

23 The party responsible for the compliance of the obligations imposed on
24 customs transit shall ensure that the goods are presented intact and in due
25 course at the customs office of destination. Failure to comply with the
26 aforementioned obligations or likewise failure to follow a prescribed itinerary or
27 period for delivery of the goods may immediately subject the goods to the
28 corresponding duties, taxes, and other applicable, fines, penalties, and
29 surcharges.

1 nature of the goods, duly supported by commercial or transport documents or
2 evidence as required by the Bureau.

3 Goods for transshipment must be exported from the Philippines within
4 thirty (30) days from arrival thereof. The Commissioner may allow an extension
5 of such period after the establishment of valid reasons.

6 **SEC. 605. Goods Entered for Immediate Re-Exportation.** – Where an
7 intent of re-exportation of the goods is shown by the bill of lading, invoice,
8 manifest, or other satisfactory evidence, the whole or a part of a bill comprising
9 not less than one package may be entered for immediate re-exportation under
10 security. The District Officer shall designate the vessel or aircraft in which the
11 goods are loaded constructively as a warehouse to facilitate the direct transfer of
12 the goods to the exporting vessel or aircraft.

13 Unless it shall appear by the bill of lading, invoice, manifest, or other
14 satisfactory evidence, that goods arriving in the Philippines are destined for
15 transshipment, no exportation thereof will be permitted except under entry for
16 immediate re-exportation under sufficient security in an amount equal to the
17 ascertained duties, taxes and other charges.

18 Upon the re-exportation of the goods, and the production of proof of
19 landing beyond the limits of the Philippines, the security shall be released.

20 **TITLE VII**

21 **IMPORT DUTY AND TAX**

22 **CHAPTER 1**

23 **BASIS OF VALUATION**

24 **SEC. 700. Sequential Application of Valuation Methods.** – Imported
25 goods shall be valued in accordance with the provisions of Section 701
26 whenever the conditions prescribed therein are fulfilled.

27 Where the customs value cannot be determined under the provisions of
28 Section 701, it is to be determined by proceeding sequentially through the
29 succeeding Sections to the first such Section under which the customs value can

1 be determined. except as provided in Section 704, it is only when the customs
2 value cannot be determined under the provisions of a particular section that the
3 provisions of the next section in the sequence can be used.

4 If the importer does not request that the order of Sections 704 and 705 be
5 reversed, the normal order of the sequence is to be followed. If the importer so
6 request but it is impossible to determine the customs value under Section 705,
7 the customs value shall be determined under Section 704.

8 When the customs value cannot be determined under Sections 701
9 through 705, it may be determined under Section 706.

10 **SEC. 701. Transaction Value System—Method One.** – The transaction
11 value shall be the price actually paid or payable for the goods when sold for
12 export to the Philippines adjusted in accordance with the provisions of this
13 Section: *Provided, That:*

14 (a) There are no restrictions as to the disposition or use of the goods by
15 the buyer other than restrictions which:

16 (i) are imposed or required by law or by Philippine authorities;

17 (ii) limit the geographical area in which the goods may be resold; or

18 (iii) do not substantially affect the value of the goods;

19 (b) The sale or price is not subject to some condition or consideration for
20 which a value cannot be determined with respect to the goods being valued;

21 (c) The buyer and the seller are not related, or where the buyer and seller
22 are related, that the transaction value is acceptable for customs purposes under
23 the provisions hereof.

24 For purposes of this Act, persons shall be deemed related only if:

25 (i) they are officers or directors of one another's business;

26 (ii) they are legally recognized partners in business;

27 (iii) there exists an employer-employee relationship between them;

28 (iv) any person directly or indirectly owns, controls or holds five percent
29 (5%) or more of the outstanding voting stock or shares of both seller and buyer;

- 1 (v) one of them directly or indirectly controls the other;
- 2 (vi) both of them are directly or indirectly controlled by a third person;
- 3 (vii) together they directly or indirectly control a third person; or
- 4 (viii) they are members of the same family, including those related by
- 5 affinity or consanguinity up to the fourth civil degree.

6 Persons who are associated in business with one another in that one is

7 the sole agent, sole distributor or sole concessionaire, however described, of the

8 other shall be deemed to be related for the purposes of this Act if they fall within

9 any of the eight (8) cases cited in the preceding paragraph.

10 In a sale between related persons, the transaction value shall be accepted

11 as basis for customs valuation whenever the importer demonstrates that such

12 value closely approximates one of the following occurring at or about the same

13 time:

14 (a) the transaction value in sales to unrelated buyers of identical or similar

15 goods for export to the same country of importation;

16 (b) the customs value of identical or similar goods as determined under

17 provisions of Section 704; or

18 (c) the customs value of identical or similar goods are determined under

19 the provisions of Section 705.

20 In determining the transaction value, the following shall be added to the

21 price actually paid or payable for the imported goods:

22 (1) To the extent that they are incurred by the buyer but are not included

23 in the price actually paid or payable for the imported goods:

24 (a) commissions and brokerage fees except buying commissions;

25 (b) cost of containers;

26 (c) cost of packing, whether for labor or materials;

27 (d) value, apportioned as appropriate, of the following goods and services:

28 materials, components, parts and similar items incorporated in the imported

29 goods; tools; dies; moulds and similar items used in the production of imported

1 goods; materials consumed in the production of the imported goods; and
2 engineering, development, artwork, design work and plans and sketches
3 undertaken elsewhere than in the Philippines and necessary for the production of
4 imported goods, where such goods and services are supplied directly or
5 indirectly by the buyer free of charge or at a reduced cost for use in connection
6 with the production and sale for export of the imported goods; and

7 (e) amount of royalties and license fees related to the goods being valued
8 that the buyer must pay either directly or indirectly, as a condition of sale of the
9 goods to the buyer.

10 (2) value of any part of the proceeds of any subsequent resale, disposal or
11 use of the imported goods that accrues directly or indirectly to the seller;

12 (3) cost of transport of the imported goods from the port of exportation to
13 the port of entry in the Philippines;

14 (4) loading, unloading and handling charges associated with the transport
15 of the imported goods from the country of exportation to the port of entry in the
16 Philippines; and

17 (5) cost of insurance.

18 All additions to the price actually paid or payable shall be made only on
19 the basis of objective and quantifiable data.

20 **SEC. 702. *Transaction Value of Identical Goods – Method Two.*** –

21 Where the dutiable value cannot be determined under method one, the dutiable
22 value shall be the transaction value of identical goods sold for export to the
23 Philippines and exported at or about the same time as the goods being valued.

24 “Identical goods” mean goods which are the same in all respects, including
25 physical characteristics, quality and reputation. Minor differences in appearances
26 shall not preclude goods otherwise conforming to the definition from being
27 regarded as identical.

1 If, in applying this section, more than one transaction value of identical
2 goods are found, the lowest such value shall be used to determine the customs
3 value.

4 **SEC. 703. *Transaction Value of Similar Goods – Method Three.*** –

5 Where the dutiable value cannot be determined under the preceding method, the
6 dutiable value shall be the transaction value of similar goods sold for export to
7 the Philippines and exported at or about the same time as the goods being
8 valued. “Similar goods” mean goods which, although not alike in all respects,
9 have like characteristics and similar component materials which enable them to
10 perform the same functions and to be commercially interchangeable. The quality
11 of the goods, its reputation and the existence of a trademark shall be among the
12 factors to be considered in determining whether goods are similar.

13 If, in applying this Section, more than one transaction value of identical
14 goods are found, the lowest such value shall be used to determine the customs
15 value.

16 **SEC. 704. *Deductive Value – Method Four.*** – Where the dutiable

17 value cannot be determined under the preceding method, the dutiable value shall
18 be the deductive value unless otherwise requested by the importer as provided in
19 Section 700. The deductive value which shall be based on the unit price at which
20 the imported goods or identical or similar imported goods are sold in the
21 Philippines, in the same condition as when imported, in the greatest aggregate
22 quantity, at or about the time of the importation of the goods being valued, to
23 persons not related to the persons from whom they buy such goods, subject to
24 deductions for the following:

25 (1) either the commissions usually paid or agreed to be paid or the
26 additions usually made for profit and general expenses in connection with sales
27 in such country of imported goods of the same class or kind;

28 (2) the usual costs of transport and insurance and associated costs
29 incurred within the Philippines;

1 (3) where appropriate, the costs of: (i) transport of the imported goods
2 from the port of exportation to the port of entry in the Philippines; (ii) loading,
3 unloading and handling charges associated with the transport of the imported
4 goods from the country of exportation to the port of entry in the Philippines; and
5 (iii) insurance; and

6 (4) the customs duties and other national taxes payable in the Philippines
7 by reason of the importation or sale of the goods.

8 If neither the imported goods nor identical nor similar imported goods are
9 sold at or about the time of importation of the goods being valued in the
10 Philippines in the conditions they were imported, the customs value shall, subject
11 to the conditions set forth in the preceding paragraph, be based on the unit price
12 at which the imported goods or identical or similar imported goods sold in the
13 Philippines in the condition they were imported and at the earliest date after the
14 importation of the goods being valued, but before the expiration of ninety (90)
15 days after such importation.

16 If neither the imported goods nor identical nor similar imported goods are
17 sold in the Philippines in the condition as imported, then, if the importer so
18 requests, the dutiable value shall be based on the unit price at which the
19 imported goods, after further processing, are sold in the greatest aggregate
20 quantity to persons in the Philippines who are not related to the persons from
21 whom they buy such goods, subject to allowance for the value added by such
22 processing and deductions provided under subsections (1), (2), (3) and (4)
23 hereof.

24 **SEC. 705. Computed Value – Method Five.** – Where the dutiable
25 value cannot be determined under the preceding method, the dutiable value shall
26 be the computed value of the sum of:

27 (1) the cost or the value of materials and fabrication or other processing
28 employed in producing the imported goods;

1 (2) the amount for profit and general expenses equal to that usually
2 reflected in the sale of goods of the same class or kind as the goods being
3 valued which are made by producers in the country of exportation for export to
4 the Philippines;

5 (3) the freight, insurance fees and other transportation expenses for the
6 importation of the goods;

7 (4) any assist, if its value is not included under paragraph (1) hereof; and

8 (5) the cost of containers and packing, if their values are not included
9 under paragraph (1) hereof.

10 The Bureau shall not require or compel any person not residing in the
11 Philippines to produce for examination, or to allow access to, any account or
12 other record for the purpose of determining a computed value. However,
13 information supplied by the producer of the goods for the purposes of
14 determining the customs value may be verified in another country with the
15 agreement of the producer and provided said producer will give sufficient
16 advance notice to the government of the country in question and the latter does
17 not object to the investigation.

18 **SEC. 706. Fallback Value – Method Six.** – If the dutiable value cannot
19 be determined under the preceding methods described above, it shall be
20 determined by using other reasonable means and on the basis of data available
21 in the Philippines. If the importer so requests, the importer shall be informed in
22 writing of the dutiable value determined under method six and the method used
23 to determine such value.

24 No dutiable value shall be determined under method six on the basis of:

25 (1) the selling price in the Philippines of goods produced in the
26 Philippines;

27 (2) a system that provides for the acceptance for customs purposes of the
28 higher of two alternative values;

29 (3) the price of goods in the domestic market of the country of exportation;

1 (4) the cost of production, other than computed values, that have been
2 determined for identical or similar goods in accordance with method five hereof;

3 (5) the price of goods for export to a country other than the Philippines;

4 (6) minimum customs values; or

5 (7) arbitrary or fictitious values.

6 **SEC. 707. Ascertainment of the Accuracy of the Declared Value. -**

7 Nothing in this section shall be construed as restricting or calling into question
8 the right of the Bureau to ascertain the truth or accuracy of any statement,
9 document or declaration presented for customs valuation purposes. When a
10 declaration has been presented and when the Bureau has reason to doubt the
11 truth or accuracy of the particulars or of documents produced in support of such
12 declaration, it may ask the importer to provide further explanation, including
13 documents or other evidence, that the declared value represents the total
14 amount actually paid or payable for the imported goods, adjusted in accordance
15 with the provisions of Section 701.

16 If, after receiving further information, or in the absence of a response, the
17 Bureau still has reasonable doubts about the truth or accuracy of the declared
18 value, it may deem that the customs value of the imported goods cannot be
19 determined under method one, without prejudice to an importer's right to appeal
20 pursuant to Section 1101 of this Act. Before taking a final decision, the District
21 Officer shall communicate to the importer, in writing if requested, the grounds for
22 doubting the truth or accuracy of the particulars or documents produced and give
23 the importer a reasonable opportunity to respond. When a final decision is made,
24 the Bureau shall communicate its decision and the grounds therefor in writing.

25 **SEC. 708. Exchange Rate.**— For the assessment and collection of import
26 duty upon imported goods and for other purposes, the value and prices thereof
27 quoted in foreign currency shall be converted into the currency of the Philippines
28 at the current rate of exchange or value specified or published, from time to time,
29 by the Bangko Sentral ng Pilipinas (BSP).

1 **CHAPTER 2**

2 **SPECIAL DUTIES AND TRADE REMEDY MEASURES**

3 **SEC. 709. *Marking of Imported Goods and Containers.* –**

4 (A) Marking of Goods. – Except as hereinafter provided, all goods of foreign
5 origin imported into the Philippines or their containers, as provided in subsection
6 (b) hereof shall be conspicuously marked in any official language of the
7 Philippines as legibly, indelibly and permanently as the nature of the goods or
8 container will permit and in such manner as to indicate to an ultimate purchaser
9 in the Philippines the name of the country of origin of the goods. Pursuant
10 thereto, the Commissioner shall, with the approval of the Secretary of Finance:

11 (1) determine the character of words and phrases or abbreviation thereof
12 which shall be acceptable as indicating the country of origin and prescribe any
13 reasonable method of marking, whether by printing, stenciling, stamping,
14 branding, labeling or by any other reasonable method, and in a conspicuous
15 place on the goods or container where the marking shall appear;

16 (2) require the addition of other words or symbols which may be
17 appropriate to prevent deception or mistake as to the origin of the goods or as to
18 the origin of any other goods with which such imported goods is usually
19 combined subsequent to importation but before delivery to an ultimate purchaser;
20 and

21 (3) authorize the exception of any goods from the requirements of marking
22 if:

23 (i) *such goods are incapable of being marked;*

24 (ii) such goods cannot be marked prior to shipment to the Philippines
25 without injury;

26 (iii) such goods cannot be marked prior to shipment to the Philippines,
27 except at an expense economically prohibitive of their importation;

28 (iv) the marking of a container of such goods will reasonably indicate the
29 origin of such goods;

- 1 (v) such goods are crude substances;
- 2 (vi) such goods are imported for use by the importer and not intended for
3 sale in their imported or any other form;
- 4 (vii) such goods are to be processed in the Philippines by the importer or
5 for the importer's account other than for the purpose of concealing
6 the origin of such goods and in such manner that any mark
7 contemplated by this section would necessarily be obliterated,
8 destroyed, or permanently concealed;
- 9 (viii) an ultimate purchaser, by reason of the character of such goods or
10 by reason of the circumstances of their importation, must necessarily
11 know the country of origin of such goods even though they are not
12 marked to indicate their origin;
- 13 (ix) such goods were produced more than twenty (20) years prior to their
14 importation into the Philippines; or
- 15 (x) such goods cannot be marked after importation except at an expense
16 which is economically prohibitive, and the failure to mark the goods
17 before importation was not due to any purpose of the importer,
18 producer, seller or shipper to avoid compliance with this section.

19 (b) Marking of Containers. – Whenever goods are exempt under
20 paragraph (3) of subsection (a) of this Section from the requirements of marking,
21 the immediate container, if any, of such goods, or such other container or
22 containers of such goods, shall be marked in such manner as to indicate to an
23 ultimate purchaser in the Philippines the name of the country of origin of such
24 goods in any official language of the Philippines, subject to all provisions of this
25 Section, including the same exceptions as are applicable to goods under
26 paragraph (3) of subsection (a).

27 (c) Fine for Failure to Mark. – If at the time of importation any good or its
28 container, as provided in subsection (b) hereof, is not marked in accordance with
29 the requirements of this Section, there shall be levied, collected, and paid upon

1 such good a marking duty of five percent (5%) of dutiable value, which shall be
2 deemed to have accrued at the time of importation.

3 (d) Release Withheld Until Marked. – No imported goods held in customs
4 custody for inspection, examination, or assessment shall be released until such
5 goods or their containers shall have been marked in accordance with the
6 requirements of this Section and until the amount of duty estimated to be payable
7 under subsection (c) of this Section shall have been deposited.

8 (e) The failure or refusal of the owner or importer to mark the goods as
9 herein required within a period of thirty (30) days after due notice shall constitute
10 as an act of abandonment of said goods and their disposition shall be governed
11 by the provisions of this Act relative to abandonment of imported goods.

12 **SEC. 710. *Dumping Duty.* —**

13 The provisions of Republic Act No. 8752, otherwise known as the "Anti-
14 Dumping Act of 1999", including its rules and regulations are hereby adopted.

15 **SEC. 711. *Safeguard Duty.* —**

16 The provisions of Republic Act No. 8800 otherwise known as the
17 "Safeguard Measures Act", including its rules and regulations are hereby
18 adopted.

19 **SEC. 712. *Countervailing Duty.* —**

20 The provisions of Republic Act No. 8751, otherwise known as "An Act
21 Strengthening the Mechanisms for the Imposition of Countervailing Duties on
22 Imported Subsidized Products, Commodities or Articles of Commerce in Order to
23 Protect Domestic Industries from Unfair Trade Competition, Amending for the
24 Purpose Section 302, Part 2, Title II, Book I of Presidential Decree No. 1464,
25 otherwise known as the Tariff and Customs Code of the Philippines, as
26 Amended", including its rules and regulations are hereby adopted.

27 **SEC. 713. *Discrimination by Foreign Countries.* —** Without prejudice
28 to the Philippine commitment in any ratified international agreements or treaty,

1 the following recourse shall be applicable in case of discrimination by foreign
2 countries:

3 a) When the President finds that the public interest will be served thereby,
4 the President shall, by proclamation, specify and declare new or additional duties
5 in an amount not exceeding one hundred percent (100%) *ad valorem* upon
6 goods wholly or in part the growth or product of, or imported in a vessel of any
7 foreign country whenever the President shall find as a fact that such country:

8 (1) imposes, directly or indirectly, upon the disposition or transportation in
9 transit or through re-exportation from such country of any goods wholly or in part
10 the growth or product of the Philippines, any unreasonable charge, exaction,
11 regulation or limitation which is not equally enforced upon the like goods of every
12 foreign country; or

13 (2) discriminates in fact against the commerce of the Philippines, directly
14 or indirectly, by law or administrative regulation or practice, by or in respect to
15 any customs, tonnage, or port duty, fee, charge, exaction, classification,
16 regulation, condition, restriction or prohibition, in such manner as to place the
17 commerce of the Philippines at a disadvantage compared with the commerce of
18 any foreign country.

19 (b) If at any time the President shall find it to be a fact that any foreign
20 country has not only discriminated against the commerce of the Philippines, as
21 aforesaid, but has, after the issuance of a proclamation as authorized in
22 subsection (a) of this section, maintained or increased its said discrimination
23 against the commerce of the Philippines, the President is hereby authorized, if
24 deemed consistent with the interests of the Philippines and of public interest, to
25 issue a further proclamation directing that such product of said country or such
26 goods imported in their vessels be excluded from importation into the Philippines.

27 (c) Any proclamation issued by the President under this section shall, if
28 the President deems it consistent with the interest of the Philippines, extend to
29 the whole of any foreign country or may be confined to any subdivision or

1 subdivisions thereof: *Provided, That,* the President may, whenever the public
2 interests require, suspend, revoke, supplement or amend any such proclamation.

3 (d) All goods imported contrary to the provisions of this section shall be
4 forfeited to the government of the Philippines and shall be liable to be seized,
5 prosecuted and condemned in like manner and under the same regulations,
6 restrictions, and provisions as may from time to time be established for the
7 recovery, collection, distribution, and remission or forfeiture to the government by
8 the tariff and customs laws. Whenever the provision of this section shall be
9 applicable to importations into the Philippines of goods wholly or in part the
10 growth or product of any foreign country, it shall be applicable thereto, whether
11 such goods are imported directly or indirectly.

12 (e) It shall be the duty of the Commission to ascertain and at all times be
13 informed whether any of the discriminations against the commerce of the
14 Philippines enumerated in subsections (a) and (b) of this section are practiced by
15 any country; and if and when such discriminatory acts are disclosed, it shall be
16 the duty of the Commission to bring the matter to the attention of the President,
17 and to recommend measures to address such discriminatory acts.

18 (f) The Secretary of Finance shall make such rules and regulations as are
19 necessary for the execution of a proclamation that the President may issue in
20 accordance with the provisions of this section.

21 TITLE VIII

22 TAX AND DUTY DEFERMENT, PREFERENCE AND EXEMPTION

23 CHAPTER 1

24 CONDITIONALLY-FREE AND DUTY-EXEMPT IMPORTATION

25 **SEC. 800. *Conditionally-Free and Duty-Exempt Importation.*** – The
26 following goods shall be exempt from the payment of import duties upon
27 compliance with the formalities prescribed in the regulations which shall be
28 promulgated by the Commissioner with the approval of the Secretary of Finance:
29 *Provided, That* goods sold, bartered, hired or used for purposes other than what

1 they were intended for and without prior payment of the duty, tax or other
2 charges which would have been due and payable at the time of entry if the goods
3 had been entered without the benefit of this section, shall be subject to forfeiture
4 and the importation shall constitute a fraudulent practice against customs laws:
5 *Provided, however,* That a sale pursuant to a judicial order or in liquidation of the
6 estate of a deceased person shall not be subject to the preceding proviso,
7 without prejudice to the payment of duties, taxes and other charges: *Provided,*
8 *further,* That the President may upon the recommendation of the Secretary of
9 Finance, suspend, disallow or completely withdraw, in whole or in part, any
10 conditionally free importation under this section:

11 (a) Aquatic products such as fishes, crustaceans, mollusks, marine
12 animals, seaweeds, fish oil, roe, caught or gathered by fishing vessels of
13 Philippine registry: *Provided,* That they are imported in such vessels or in crafts
14 attached thereto: *Provided, however,* That they have not been landed in any
15 foreign territory or, if so landed, that they have been landed solely for
16 transshipment without having been advanced in condition;

17 (b) Equipment for use in the salvage of vessels or aircrafts, not available
18 locally, upon identification and the giving of a security in an amount equal to one
19 hundred percent (100%) the ascertained duties, taxes and other charges
20 thereon, conditioned for the exportation thereof or payment of corresponding
21 duties, taxes and other charges within six (6) months from the date of
22 acceptance of the goods declaration: *Provided,* That the District Officer may
23 extend the time for exportation or payment of duties, taxes and other charges for
24 a term not exceeding six (6) months from the expiration of the original period;

25 (c) Cost of repairs, excluding the value of the goods used, made in foreign
26 countries upon vessels or aircraft documented, registered or licensed in the
27 Philippines, upon proof satisfactory to the District Officer: (1) that adequate
28 facilities for such repairs are not afforded in the Philippines; or (2) that such
29 vessels or aircrafts, while in the regular course of their voyage or flight, were

1 compelled by stress of weather or other casualty to put into a foreign port to
2 make such repairs in order to secure the safety, seaworthiness, or airworthiness
3 of the vessels or aircrafts to enable them to reach their port of destination;

4 (d) Goods brought into the Philippines for repair, processing or
5 reconditioning to be re-exported upon completion of the repair, processing or
6 reconditioning: *Provided*, That the District Officer shall require security equal to
7 one hundred percent (100%) of the duties, taxes, and other charges thereon,
8 conditioned for the exportation thereof or payment of the corresponding duties,
9 taxes, and other charges within six (6) months from the date of acceptance of the
10 goods declaration;

11 (e) Medals, badges, cups, and other small goods bestowed as trophies or
12 prizes, or those received or accepted as honorary distinction;

13 (f) Personal and household effects belonging to residents of the
14 Philippines returning from abroad including used household appliances, jewelry,
15 precious stones, and other goods of luxury which were formally declared and
16 listed before departure and identified under oath before the District Officer when
17 exported from the Philippines by such returning residents upon their departure
18 therefrom or during their stay abroad; personal and household effects including
19 wearing apparel, goods of personal adornment except luxury items, toilet goods,
20 instruments related to one's profession and analogous personal or household
21 effects, excluding vehicles, watercrafts, aircrafts and animals purchased in
22 foreign countries by residents of the Philippines which were necessary,
23 appropriate, and normally used for their comfort and convenience during their
24 stay abroad, accompanying them on their return, or arriving within a reasonable
25 time which, barring unforeseen and fortuitous events, in no case shall exceed
26 sixty (60) days after the owner's return: *Provided*, That the personal and
27 household effects shall neither be in commercial quantities nor intended for
28 barter, sale or for hire and that the total dutiable value of which shall not exceed
29 Three hundred fifty thousand pesos (P350,000.00): *Provided, however*, That the

1 returning resident has not previously availed of the privilege under this section
2 within three hundred sixty-five (365) days prior to returning resident's arrival:
3 *Provided, further,* That any amount in excess of Three hundred fifty thousand
4 pesos (P350,000.00) shall be subject to the corresponding duties and taxes
5 under this Act. For purposes of this Section, the phrase "returning residents"
6 refers to Filipino nationals who have stayed in a foreign country for a period of at
7 least ten (10) years: *Provided, however,* That for returning residents who have
8 stayed in a foreign country for a period of at least five (5) years, the personal and
9 household effects shall not exceed Two hundred fifty thousand pesos
10 (P250,000.00) and has not availed of the privilege under this Section within three
11 hundred sixty-five (365) days: *Provided, finally,* That the Secretary of Finance,
12 upon the recommendation of the Commissioner shall review and adjust the value
13 as provided herein every three (3) years after the effectivity of this Act and shall
14 be adjusted to its present value using the Consumer Price Index (CPI) as
15 published by the Philippine Statistics Authority (PSA). Any amount in excess of
16 the allowable non-dutiable value shall be subject to the corresponding duties and
17 taxes under this Act;

18 In addition to the privileges granted under the immediately preceding
19 paragraph, returning Overseas Filipino Workers (OFWs) shall have the privilege
20 to bring in, tax and duty free, home appliances and other durables, limited to one
21 of every kind once in a given calendar year accompanying them on their return,
22 or arriving within a reasonable time which, barring unforeseen and fortuitous
23 events, in no case shall exceed sixty (60) days after every returning OFW's
24 return upon presentation of their original passport at the port of entry: *Provided,*
25 That any amount in excess of One Hundred thousand fifty pesos (P150,000.00)
26 for personal and household effects or of the number of duty-free appliances as
27 provided for under this section, shall be subject to the corresponding duties
28 provided under this Act: *Provided, further,* That every three (3) years after the
29 effectivity of this Act, the Secretary of Finance, upon recommendation of the

1 Commissioner shall review the amount hereinstated and shall be adjusted to its
2 present value using the Consumer Price Index (CPI) as published by the
3 Philippine Statistics Authority (PSA);

4 (f-1) Residents of the Philippines, Overseas Filipino Workers (OFWs) or
5 other Filipinos while residing abroad or in their return to the Philippines shall be
6 allowed to bring in or send to their families or relatives in the Philippines
7 balikbayan boxes which shall be exempt from duties and taxes imposed under
8 the Tariff and Customs Code of the Philippines (TCCP) and the National Internal
9 Revenue Code (NIRC) of 1997, as amended: *Provided*, That balikbayan boxes
10 shall contain personal and household effects only and shall neither be in
11 commercial quantities nor intended for barter, sale or for hire and that the total
12 dutiable value of which shall not exceed One hundred fifty thousand pesos
13 (P150,000.00): *Provided, further*, every three (3) years after the effectivity of this
14 Act, the Secretary of Finance, upon recommendation of the Commissioner, shall
15 review the value herein stated and shall adjust its present value using the
16 Consumer Price Index, as published by the Philippine Statistics Authority (PSA):
17 *Provided, finally*, That residents of the Philippines or OFWs can only avail this
18 privilege up to three (3) times in a calendar year. Any amount in excess of the
19 allowable non-dutiable value shall be subject to the corresponding duties and
20 taxes under this Act;

21 (1) Overseas Filipino Workers refers to holders of valid passports duly
22 issued by the Department of Foreign Affairs (DFA) and certified by the
23 Department of Labor and Employment (DOLE) or the Philippine Overseas
24 Employment Agency (POEA) for overseas employment purposes. They cover all
25 nationals working in a foreign country under employment contracts including
26 Middle East contract workers, entertainers, domestic helpers, regardless of their
27 employment status in the foreign country; and

28 (2) Calendar Year refers to the period from January 1 to December 31;

1 (g) Wearing apparel, goods of personal adornment, toilet goods, portable
2 tools and instrument, theatrical costumes and similar effects accompanying
3 travelers, or tourists, or arriving within a reasonable time before or after their
4 arrival in the Philippines, which are necessary and appropriate for the wear and
5 use of such persons according to the nature of the journey, their comfort and
6 convenience: *Provided*, That this exemption shall not apply to goods intended for
7 other persons or for barter, sale or hire: *Provided, however*, That the District
8 Officer may require either a written commitment or a security in an amount equal
9 to one hundred percent (100%) the ascertained duties, taxes and other charges
10 conditioned for the exportation thereof or payment of the corresponding duties,
11 taxes and other charges within three (3) months from the date of acceptance of
12 the goods declaration: *Provided, further*, That the District Officer may extend the
13 time for exportation or payment of duties, taxes and other charges for a term not
14 exceeding three (3) months from the expiration of the original period.

15 Personal and household effects and vehicles belonging to foreign
16 consultants and experts hired by, or rendering service to, the government, and
17 their staff or personnel and families accompanying them or arriving within a
18 reasonable time before or after their arrival in the Philippines, in quantities and of
19 the kind necessary and suitable to the profession, rank or position of the person
20 importing them, for their own use and not for barter, sale or hire: *Provided*, That
21 the District Officer may require either a written commitment or a security in an
22 amount equal to one hundred percent (100%) the ascertained duties, taxes and
23 other charges upon the goods classified under this subsection; conditioned for
24 the exportation thereof or payment of the corresponding duties, taxes and other
25 charges within three (3) months after the expiration of their term or contract:
26 *Provided, however*, That the District Officer may extend the time for exportation
27 or payment of duties, taxes and other charges for a term not exceeding three (3)
28 months from the expiration of the original period;

1 (h) Professional instruments and implements, tools of trade, occupation or
2 employment, wearing apparel, domestic animals, and personal and household
3 effects belonging to persons coming to settle in the Philippines or Filipinos or
4 their families and descendants who are now residents or citizens of other
5 countries, such parties hereinafter referred to as overseas Filipinos, in quantities
6 and of the class suitable to the profession, rank or position of the persons
7 importing them, for their own use and not for barter or sale, accompanying such
8 persons, or arriving within a reasonable time. The District Officer may, upon the
9 production of satisfactory evidence that such persons are actually coming to
10 settle in the Philippines and that the goods are brought from their former place of
11 abode, exempt such goods from the payment of customs duties and taxes:
12 *Provided*, That vehicles, vessels, aircrafts, machineries and other similar goods
13 for use in manufacture, shall not fall within this classification and shall therefore
14 be subject to customs duties, taxes and other charges;

15 (i) Goods used exclusively for public entertainment, and for display in
16 public expositions, or for exhibition or competition for prizes, and devices for
17 projecting pictures and parts and appurtenances thereof, upon identification,
18 examination, and appraisal and the giving of a security in an amount equal to
19 one hundred percent (100%) of the ascertained duties, taxes and other charges
20 thereon, conditioned for exportation thereof or payment of the corresponding
21 duties, taxes and other charges within three (3) months from the date of
22 acceptance of the goods declaration: *Provided*, That the District Officer may
23 extend the time for exportation or payment of duties, taxes and other charges for
24 a term not exceeding three (3) months from the expiration of the original period;
25 and technical and scientific films when imported by technical, cultural and
26 scientific institutions, and not to be exhibited for profit: *Provided, further*, That if
27 any of the films is exhibited for profit, the proceeds therefrom shall be subject to
28 confiscation, in addition to the penalty provided under this Act;

1 (j) Goods brought by foreign film producers directly and exclusively used
2 for making or recording motion picture films on location in the Philippines, upon
3 their identification, examination and appraisal and the giving of a security in an
4 amount equal to one hundred percent (100%) of the ascertained duties, taxes,
5 and other charges thereon, conditioned for exportation thereof or payment of the
6 corresponding duties, taxes, and other charges within three (3) months from the
7 date of acceptance of the goods declaration, unless extended by the District
8 Officer for another three (3) months; photographic and cinematographic films,
9 underdeveloped, exposed outside the Philippines by resident Filipino citizens or
10 by producing companies of Philippine registry where the principal actors and
11 artists employed for the production are Filipinos, upon affidavit by the importer
12 and identification that such exposed films are the same films previously exported
13 from the Philippines. As used in this paragraph, the terms "actors" and "artists"
14 include the persons operating the photographic camera or other photographic
15 and sound recording apparatus by which the film is made;

16 (k) Importations for the official use of foreign embassies, legations and
17 other agencies of foreign governments: *Provided*, That those foreign countries
18 accord like privileges to corresponding agencies of the Philippines. Goods
19 imported for the personal or family use of the members and attaches of foreign
20 embassies, legations, consular officers and other representatives of foreign
21 governments: *Provided, however*, That such privilege shall be accorded under
22 special agreements between the Philippines and the countries which they
23 represent: *Provided, further*, That the privilege may be granted only upon specific
24 instructions of the Secretary of Finance pursuant to an official request of the DFA
25 on behalf of members or attaches of foreign embassies, legations, or consular
26 officers and other representatives of foreign governments.

27 (l) Imported goods donated to or, for the account of the Philippine
28 government or any duly registered relief organization, not operated for profit, for

1 free distribution among the needy, upon certification by the DSWD or the
2 Department of Education (DepED), as the case may be;

3 (m) Containers, holders and other similar receptacles of any material
4 including kraft paper bags for locally manufactured *cement for export*, including
5 corrugated boxes for bananas, mangoes, pineapples and other fresh fruits for
6 export, except other containers made of *paper, paperboard* and textile fabrics,
7 which are of such character as to be readily identifiable and/or reusable for
8 shipment or transportation of goods shall be delivered to the importer thereof
9 upon identification, examination and appraisal and the giving of a security in an
10 amount equal to one hundred percent (100%) of the ascertained duties, taxes
11 and other charges within six (6) months from the date of acceptance of the goods
12 declaration;

13 (n) Supplies which are necessary for the reasonable requirements of the
14 vessel or aircraft in its voyage or flight outside the Philippines, including goods
15 transferred from a bonded warehouse in any Customs District to any vessel or
16 aircraft engaged in foreign trade, for use or consumption of the passengers or its
17 crew on board such vessel or aircraft as sea or air stores; or goods purchased
18 abroad for sale on board a vessel or aircraft as saloon stores or air store
19 supplies: *Provided*, That any surplus or excess of such vessel or aircraft supplies
20 arriving from foreign ports or airports shall be dutiable;

21 (o) Goods and salvage from vessels recovered after a period of two (2)
22 years from the date of filing the marine protest or the time when the vessel was
23 wrecked or abandoned, or parts of a foreign vessel or its equipment, wrecked or
24 abandoned in Philippine waters or elsewhere: *Provided*, That goods and salvage
25 recovered within the said period of two (2) years shall be dutiable;

26 (p) Coffins or urns containing human remains, bones or ashes, used
27 personal and household effects (not merchandise) of the deceased person,
28 except vehicles, the dutiable value of which does not exceed One hundred
29 thousand pesos (P100,000.00), upon identification as such: *Provided*, That

1 every three (3) years after the effectivity of this Act, the value herein stated shall
2 be adjusted to its present value using the CPI, as published by the PSA;

3 (q) Samples of the kind, in such quantity and of such dimension or
4 construction as to render them unsaleable or of no commercial value; models not
5 adapted for practical use; and samples of medicines, properly marked "sample-
6 sale punishable by law", for the purpose of introducing new goods in the
7 Philippine market and imported only once in a quantity sufficient for such
8 purpose by a person duly registered and identified to be engaged in that trade:
9 *Provided*, That importations under this subsection shall be previously authorized
10 by the Secretary of Finance: *Provided, however*, That importation of sample
11 medicines shall have been previously authorized by the Secretary of Health, and
12 that such samples are new medicines not available in the Philippines: *Provided*,
13 *further*, That samples not previously authorized or properly marked in
14 accordance with this section shall be levied the corresponding tariff duty.

15 Commercial samples, except those that are not readily and easily
16 identifiable as in the case of precious and semi-precious stones, cut or uncut,
17 and jewelry set with precious or semi-precious stones, the value of any single
18 importation of which does not exceed Fifty thousand pesos (P50,000.00) upon
19 the giving of a security in an amount equal to the ascertained duties, taxes and
20 other charges thereon, conditioned for the exportation of said samples within
21 three (3) months from the date of the acceptance of the goods declaration or in
22 default thereof, the payment of the corresponding duties, taxes and other
23 charges: *Provided*, That If the value of any single consignment of such
24 commercial samples exceeds Fifty thousand pesos (P50,000.00), the importer
25 thereof may select any portion of same not exceeding in value of Fifty thousand
26 pesos (P50,000.00) for entry under the provision of this subsection, and the
27 excess of the consignment may be entered in bond, or for consumption, as the
28 importer may elect;

1 (r) Animals, except race horses, and plants for scientific, experimental
2 propagation or breeding, and for other botanical, zoological and national
3 defense purposes: *Provided*, That no live trees, shoots, plants, moss and bulbs,
4 tubers and seeds for propagation purposes may be imported under this section,
5 except by order of the government or other duly authorized institutions: *Provided*,
6 *however*, That the free entry of animals for breeding purposes shall be restricted
7 to animals of recognized breed, duly registered in the record or registry
8 established for that breed, and certified as such by the Bureau of Animal Industry
9 (BAI): *Provided, further*, That the certification of such record, and pedigree of
10 such animal duly authenticated by the proper custodian of such record or
11 registry, shall be submitted to the District Officer, together with the affidavit of the
12 owner or importer that such animal is the animal described in said certificate of
13 record and pedigree: *Provided, finally*, That the animals and plants are certified
14 by the NEDA as necessary for economic development;

15 (s) Economic, technical, vocational, scientific, philosophical, historical and
16 cultural books or publications, and religious books like bibles, missals, prayer
17 books, the Koran, Ahadiith and other religious books of similar nature and
18 extracts therefrom, hymnal and hymns for religious uses: *Provided*, That those
19 which may have already been imported but are yet to be released by the Bureau
20 at the effectivity of this Act may still enjoy the privilege herein provided upon
21 certification by the DepED that such imported books and/or publications are for
22 economic, technical, vocational, scientific, philosophical, historical or cultural
23 purposes or that the same are educational, scientific or cultural materials
24 covered by the International Agreement on Importation of Educational Scientific
25 and Cultural Materials (IAESCM) signed by the President of the Philippines on
26 August 2, 1952, or other agreements binding upon the Philippines. Educational,
27 scientific and cultural materials covered by international agreements or
28 commitments binding upon the Philippine government so certified by the DepED.

1 (t) Philippine goods previously exported from the Philippines and returned
2 without having been advanced in value or improved in condition by any process
3 of manufacturing or other means, and upon which no drawback or bounty has
4 been allowed, including instruments and implements, tools of trade, machinery
5 and equipment, used abroad by Filipino citizens in the pursuit of their business,
6 occupation or profession; and foreign goods previously imported when returned
7 after having been exported and loaned for use temporarily abroad solely for
8 exhibition, testing and experimentation, for scientific or educational purposes;
9 and foreign containers previously imported which have been used in packing
10 exported Philippine goods and returned empty if imported by or for the account of
11 the person or institution who exported them from the Philippines and not for sale,
12 barter or hire subject to identification: *Provided*, That Philippine goods falling
13 under this subsection upon which drawback or bounty have been allowed shall,
14 upon re-importation thereof, be subject to a duty under this subsection equal to
15 the amount of such drawback or bounty;

16 (u) Aircraft, equipment and machinery, spare parts commissary and
17 catering supplies, aviation gas, fuel and oil, whether crude or refined except
18 when directly or indirectly used for domestic operations, and such other goods or
19 supplies imported by and for the use of scheduled airlines operating under
20 congressional franchise: *Provided*, That such goods or supplies are not locally
21 available in reasonable quantity, quality and price and are necessary or
22 incidental to the proper operation of the scheduled airline importing the same;

23 (v) Machineries, equipment, tools for production, plans to convert mineral
24 ores into saleable form, spare parts, supplies, materials, accessories, explosives,
25 chemicals, and transportation and communications facilities imported by and for
26 the use of new mines and old mines which resume operations, when certified to
27 as such by the Secretary of the Department of Environment and Natural
28 Resources, upon the recommendation of the Director of Mines and Geosciences
29 Bureau, for a period ending five (5) years from the first date of actual commercial

1 production of saleable mineral products: *Provided*, That such goods are not
2 locally available in reasonable quantity, quality and price and are necessary or
3 incidental in the proper operation of the mine; and aircrafts imported by agro-
4 industrial companies to be used by them in their agriculture and industrial
5 operations or activities, spare parts and accessories thereof, when certified to as
6 such by the Secretary of the Department of Agriculture (DA) or the Secretary of
7 the Department of Trade and Industry (DTI), as the case may be;

8 (w) Spare parts of vessels or aircraft of foreign registry engaged in foreign
9 trade when brought into the Philippines exclusively as replacements or for the
10 emergency repair thereof, upon proof satisfactory to the District Officer that such
11 spare parts shall be utilized to secure the safety, seaworthiness or airworthiness
12 of the vessel or aircraft, to enable it to continue its voyage or flight;

13 (x) Goods exported from the Philippines for repair, processing or
14 reconditioning without having been advanced in value, and subsequently
15 reimported in its original form and in the same state: *Provided*, That in case the
16 reimported goods advanced in value, whether or not in their original state, the
17 value added shall be subject to the applicable duty rate of the tariff heading of
18 the reimported goods; and

19 (y) Trailer chassis when imported by shipping companies for their
20 exclusive use in handling containerized cargo, upon posting a security in an
21 amount equal to one hundred percent (100%) the ascertained duties, taxes and
22 other charges due thereon to cover a period of one (1) year from the date of
23 acceptance of the entry, which period, for meritorious reasons, may be extended
24 by the Commissioner from year to year, subject to the following conditions:

25 (1) That they shall be properly identified and registered with the Land
26 Transportation Office (LTO);

27 (2) That they shall be subject to customs supervision fee to be fixed by the
28 District Officer and subject to the approval of the Commissioner;

29 (3) That they shall be deposited in the customs zone when not in use; and

1 (4) That upon the expiration of the period prescribed above, duties and
2 taxes shall be paid unless otherwise re-exported.

3 (z) Any officer or employee of the DFA, including any attaché, civil or
4 military or member of the staff assigned to a Philippine diplomatic mission abroad
5 by the Department or any similar officer or employee of other departments
6 assigned to any Philippine consular office abroad, or any AFP military personnel
7 accorded assimilated diplomatic rank or on duty abroad who is returning from a
8 regular assignment abroad, for reassignment to the home office, or who dies,
9 resigns, or is retired from the service, after the approval of this Act, shall be
10 exempt from the payment of all duties and taxes on personal and household
11 effects, including one (1) motor car which must have been ordered or purchased
12 prior to the receipt by the mission or consulate of the order of recall, and which
13 must be registered in the name of the officer or employee: *Provided*, That this
14 exemption shall apply only to the value of the motor car and to the aggregate
15 assessed value of the personal and household effects, the latter not to exceed
16 thirty percent (30%) of the total amount received by the officer or employee in
17 salary and allowances during the latest assignment abroad, but not to exceed
18 four (4) years: *Provided, however*, That this exemption shall not be availed of
19 more than once every four (4) years: *Provided, further*, That the officer or
20 employee concerned must have served abroad for not less than two (2) years.

21 The provisions of general and special laws, to the contrary
22 notwithstanding, including those granting franchises, there shall be no
23 exemption whatsoever from the payment of customs duties except as provided
24 for in this Act; those granted to government agencies, instrumentalities or
25 government-owned or -controlled corporations with existing contracts,
26 commitments, agreements, or obligations with foreign countries requiring such
27 exemption; those granted to international institutions, associations or
28 organizations entitled to exemption pursuant to agreements or special laws; and

1 (d) airport warehouses.

2 Subject to consultation with the NEDA and the DTI, and based on
3 prevailing economic circumstances, the Secretary of Finance may, upon the
4 recommendation of the Commissioner, create or dissolve certain types of
5 warehouses.

6 **SEC. 804. *Application for Operation of a Customs Warehouse.*** –
7 Application for the establishment of CBW and CFW shall be filed with the District
8 Officer where the CBW or CFW is located, describing the premises, location,
9 capacity and purpose thereof.

10 Upon receipt of such application, the District Officer shall examine the
11 premises of such proposed warehouse, particularly its location, construction and
12 storage facilities. The District Officer with the approval of the Commissioner may
13 authorize the establishment of customs warehouses, and accept the required
14 security for its operation and maintenance. The operator of such CBW and CFW
15 shall pay an annual supervision fee, as determined by the Commissioner.

16 **SEC. 805. *Responsibility of Operators.*** – The operator of a CBW or
17 CFW shall comply with the customs requirements on establishment, security,
18 suitability and management, including stock-keeping and accounting of the
19 goods, of the CBW or CFW.

20 The operator of a CBW or CFW shall allow authorized representatives of
21 the Bureau access to the premises at any time, and to all documents, books and
22 records of accounts pertaining to the operations of the CBW or CFW.

23 In case of loss of the goods stored in a CBW or CFW, the operator shall
24 be liable for the payment of duties and taxes due thereof. The government
25 assumes no legal responsibility over the safekeeping of goods stored in any
26 customs warehouse, yard or premises.

27 **SEC. 806. *Customs Control Over CBWs and CFWs.*** – The Bureau
28 shall, for customs purposes, exercise control over, direct and manage CBWs and

1 CFWs pursuant to Section 302 and likewise over the goods thereat pursuant to
2 Section 301 of this Act.

3 **SEC. 807. *Discontinuance of CBW and CFW.*** – The use of any CBW
4 and CFW may be discontinued by the District Officer when conditions so warrant,
5 or upon receipt of a written request from the operator thereof: *Provided*, That all
6 the requirements of the law and regulations have been complied with by said
7 operator. Where dutiable goods are stored in such premises, the same must be
8 removed at the risk and expense of the operator: *Provided, however*, That the
9 premises shall not be relinquished, and its use shall not be discontinued until
10 after a careful examination of the account of the warehouse shall have been
11 made. Discontinuance of the use of any warehouse shall be effective upon
12 approval thereof by the District Officer who shall, within ten (10) days, inform the
13 Commissioner of such action in writing.

14 Notice of discontinuance made by the operator shall not result in the
15 discharge from any duties, taxes, fees and other charges imposed on dutiable
16 goods in said warehouse.

17 **SEC. 808. *Warehousing Security on Goods Stored in CBWs.*** – For
18 goods declared in the entry for warehousing in CBWS, the District Officer shall
19 require the importer to post a sufficient security equivalent to the computed
20 duties, taxes and other charges, conditioned upon the withdrawal of the goods
21 within the period prescribed by Section 811 of this Act or the payment of duties,
22 taxes and other charges and compliance with all importation requirements.

23 **SEC. 809. *Withdrawal of Goods from CBWs.*** - Imported goods shall be
24 withdrawn from the CBWs when the necessary withdrawal permit has been filed,
25 together with any related document required by any provision of this Act and
26 other regulations.

27 Goods entered under sufficient security as provided in Section 1507 may
28 be withdrawn at any time for consumption, for transit, or for exportation. The

1 withdrawal must be made by the CBW operator or its duly authorized
2 representative.

3 **SEC. 810. Release of Goods from CFWs.** – imported goods shall be
4 released when the goods declaration is electronically lodged, together with any
5 related document required by any provision of this Act and other regulations. All
6 goods entered into the CFWs shall be subject to the filing of a goods declaration
7 within the period specified under Section 407 of this Act.

8 **SEC. 811. Period of Storage in CBWs.** – Goods entered for
9 warehousing may remain in a CBW for a maximum period of one (1) year from
10 the time of its arrival thereat. For perishable goods, the storage period shall be
11 three (3) months from the date of arrival, extendible for valid reasons, and upon
12 written request, to another three (3) months. Goods not withdrawn at the
13 expiration of the prescribed period shall be deemed as property of the
14 government and shall be disposed of in accordance with this Act.

15 The Commissioner shall, in consultation with the Secretary of Trade and
16 Industry, establish a reasonable storage period limit beyond one (1) year for
17 bonded goods for manufacturing and intended for export, the processing into
18 finished products of which requires a longer period based on industry standard
19 and practice, subject to the approval of the Secretary of Finance.

20 **SEC. 812. Exemption from Duty of Goods in CBWs.** – Goods duly
21 entered for warehousing in CBWs shall be exempt from duty and tax within the
22 allowed period for storage unless withdrawn for consumption, exportation or
23 transit to a Freeport/PEZA-registered enterprise or another CBW, in which case,
24 such withdrawal will be subject to the applicable rules and regulations on the
25 liquidation of the warehousing entry.

26 **SEC. 813. Records To Be Kept By CBW Operators.** – An account
27 shall be kept by the Bureau of all goods delivered to a CBW, and a report shall
28 be made by the CBW operator containing a detailed statement of all imported

1 goods entered and withdrawn from the CBW. The Bureau shall specify the
2 format of the report and may require electronic submission.

3 All documents, books, and records of accounts concerning the operation
4 of any CBW shall, upon demand, be made available to the District Officer or the
5 representative of the District Officer for examination or audit. For record
6 purposes, all documents shall be kept for three (3) years.

7 **CHAPTER 3**

8 **FREE ZONES**

9 **SEC. 814. *When Goods Are Admitted And Withdrawn.*** - Imported
10 goods shall be admitted into a free zone when the goods declaration, together
11 with required documents, as required by existing laws and regulations, are
12 electronically lodged with the Bureau and other relevant government authorities
13 at the time of admission.

14 Imported goods shall be withdrawn from the free zone for entry to the
15 customs territory when the goods declaration is electronically lodged, together
16 with required documents at the time of the withdrawal from the free zone.

17 **SEC. 815. *Exemption from Duty of Goods in Free Zones.*** – Unless
18 otherwise provided by law and in accordance with the respective laws, rules and
19 regulations of the free zone authorities, goods admitted into a free zone shall not
20 be subject to duty and tax.

21 **SEC. 816. *Movement of Goods into and from Free Zones.*** – The entry
22 of goods into a free zone, whether directly or through the customs territory, shall
23 be covered by the necessary goods declaration for admission or transit.
24 Withdrawal from the free zone into the customs territory shall be covered by the
25 necessary goods declaration for consumption or warehousing.

26 Transfer of goods from one free zone into another free zone shall likewise
27 be covered by the necessary transit permit.

28 The implementing rules and regulations on the transit of goods admitted
29 into, exported from, withdrawn into the customs territory, and moved between

1 free zones shall be formulated and issued jointly by the Bureau and the free zone
2 authorities.

3 **SEC. 817. *Coordination With Free Zone Authority.*** – To ensure
4 compliance with customs laws and regulations, the Bureau shall coordinate with
5 the governing authority of the zone. For this purpose, to ensure consistency and
6 harmony in the formulation and implementation of customs policies affecting the
7 free zone, the Commissioner shall sit as an *ex officio* member of the Board of
8 Directors of all free zone authorities.

9 **CHAPTER 4**

10 **STORES**

11 **SEC. 818. *Stores for Consumption.*** – Stores for consumption shall
12 include:

13 (a) Goods intended for use by the passengers and the crew on board
14 vessels aircrafts, or trains, whether or not sold; and

15 (b) Goods necessary for the operation and maintenance of vessels,
16 aircraft or trains including fuel and lubricants but excluding spare parts and
17 equipment which are either on board upon arrival or are taken on board during
18 the stay in the customs territory of vessels, aircrafts or trains used, or intended to
19 be used, in international traffic for the transport of persons for remuneration or for
20 the industrial or commercial transport of goods, whether or not for remuneration.

21 **SEC. 819. *Stores to be Taken Away.*** – For purposes of this Chapter,
22 “stores to be taken away” means goods for sale to the passengers and the crew
23 of vessels, aircrafts or trains with a view to being landed, which are either on
24 board upon arrival or are taken on board during the stay in the customs territory
25 of vessels, aircrafts or trains used, or intended to be used, in international traffic
26 for the transport of persons for remuneration or for the industrial or commercial
27 transport of goods, whether or not for remuneration.

28 **SEC. 820. *Exemption from Duties and Taxes of Stores.*** – Customs
29 treatment of stores should apply uniformly, regardless of the country of

1 registration or ownership of vessels, aircraft or trains. stores which are carried in
2 a vessel, aircraft or train arriving in the customs territory shall be exempted from
3 import duties and taxes provided that they remain on board. Stores for
4 consumption by the passengers and the crew imported as provisions on
5 international express vessels, aircrafts or trains shall be exempted from import
6 duties and taxes: *Provided, That:*

7 (a) such goods are purchased only in the countries crossed by the
8 international vessels and aircrafts in question; and

9 (b) any duties and taxes chargeable on such goods in the country where
10 they were purchased are paid.

11 Stores necessary for the operation and maintenance of vessels, aircrafts
12 or trains which are on board these means of transport shall be exempted from
13 import duties and taxes: *Provided, further, That* they remain on board while
14 these means of transport are in the customs territory. The Bureau shall allow the
15 issue of stores for use on board during the stay of a vessel in the customs
16 territory in such quantities as the customs authority deems reasonable with due
17 regard to the number of the passengers and the crew and to the length of the
18 stay of the vessel in the customs territory. The Bureau should allow the issue of
19 stores for use on board by the crew while the vessel is undergoing repairs in a
20 dock or shipyard: *Provided, finally, That* the duration of stay in a dock or
21 shipyard is considered to be reasonable.

22 When an aircraft is to land at one or more airports in the customs territory,
23 the Bureau should allow the issuance of stores for consumption on board both
24 during the stay of the aircraft at such intermediate airports and during its flight
25 between such airports.

26 The Bureau shall require a carrier to take appropriate measures to prevent
27 any unauthorized use of the stores including sealing of the stores, when
28 necessary. It shall require the removal of stores from the vessel, aircraft, or trains

1 for storage elsewhere during its stay in the customs territory only when the
2 bureau considers it necessary.

3 Vessels, aircrafts, or trains which depart for an ultimate foreign destination
4 shall be entitled to take on board, exempted from duties and taxes, the following:

5 (1) stores in such quantities as the bureau deems reasonable with due
6 regard to the number of the passengers and the crew, to the length of the voyage
7 or flight, and to any quantity of such stores already on board; and

8 (2) stores necessary for the operation and maintenance of a vessel,
9 aircraft or train, in such quantities as are deemed reasonable for operation and
10 maintenance during the voyage or flight, after due regard of the quantity of such
11 stores already on board.

12 Replenishment of stores that are exempted from duties and taxes shall be
13 allowed for vessels, aircrafts, or trains which have arrived in the customs
14 territory, and which need to replenish their stores for the journey to their final
15 destination in the customs territory, subject to the same conditions provided in
16 this Chapter.

17 **SEC. 821. Goods Declaration for Stores.** – When a declaration
18 concerning stores on board vessels arriving in the customs territory is required
19 by the Bureau, the information required shall be kept to the minimum and as may
20 be necessary for customs control.

21 The quantities of stores which are supplied to vessels during its stay in the
22 customs territory should be recorded on the required goods declaration
23 concerning stores.

24 The Bureau shall not require the presentation of a separate declaration of
25 remaining stores on board an aircraft. No separate declaration concerning stores
26 should be required upon departure of vessels from the customs territory. When a
27 declaration is required concerning stores taken on board the vessels or aircrafts
28 upon departure from the customs territory, the information required shall be kept
29 to the minimum as may be necessary for customs control.

1 be allowed for the duties paid on the imported materials so used including the
2 packing, covering, putting up, marking or labeling thereof, subject to the following
3 conditions:

4 (1) the actual use of the imported materials in the production of
5 manufacture of the goods exported with their quantity, value, and amount of
6 duties paid thereon, should be established satisfactorily;

7 (2) the duties refunded or credited shall not exceed one hundred percent
8 (100%) of duties paid on the imported materials used;

9 (3) there is no determination by the NEDA of the requirement for
10 certification on non-availability of locally-produced or manufactured competitive
11 substitutes for the imported materials used at the time of importation;

12 (4) the exportation shall be made within one (1) year after the
13 importation of materials used and claim of refund or tax credit shall be filed within
14 six (6) months from the date of exportation; and

15 (5) when two or more products result from the use of the same imported
16 materials, an apportionment shall be made on its equitable basis.

17 **SEC. 901. *Payment of Drawbacks.*** – Eligible claims for refund or tax
18 credit shall be paid or granted by the Bureau to claimants within sixty (60) days
19 after receipt of properly accomplished claims: *Provided*, That a registered
20 enterprise under Republic Act No. 5186, otherwise known as the Investment
21 Incentives Act, or Republic Act No. 6135, otherwise known as the Export
22 Incentives Act of 1970, which has previously enjoyed tax credits based on
23 customs duties paid on imported raw materials and supplies, shall not be entitled
24 to a drawback under this Section with respect to the same importation
25 subsequently processed and re-exported.

26 The Secretary of Finance may, upon the recommendation of the
27 Commissioner, promulgate rules and regulations allowing partial payments of
28 drawbacks pursuant to this Section.

1 valueless while under customs control. Any cost herein incurred shall be borne
2 by the declarant;

3 (b) *When goods are destroyed or irrecoverably lost by accident or force*
4 *majeure*. The remaining waste or scrap after destruction, if taken into
5 consumption, shall be subject to the duties and taxes that would be applicable on
6 such waste or scrap if imported in same state; and

7 (c) When there are shortages due to the nature of the goods.

8 **SEC. 905. *Abatement for Damage Incurred During Voyage.*** –

9 Except as otherwise provided, no abatement of duties shall be made on account
10 of damage incurred or deterioration suffered during the voyage of importation;
11 and duties will be assessed on the actual quantity imported as determined by the
12 customs officers concerned.

13 **SEC. 906. *Abatement or Refund of Duty on Missing Package.*** –

14 When any package or packages appearing on the manifest or bill of lading are
15 missing, an abatement or refund of the duty shall be made if it is certified by the
16 importer or consignee, under pain of penalty for falsification or perjury, and upon
17 production of proof satisfactory to the Bureau, that the package or packages in
18 question have not been unlawfully imported into the Philippines.

19 **SEC. 907. *Abatement or Refund for Deficiency in Contents of***

20 ***Packages.*** – If, upon opening of any package, a deficiency in the quantity of the
21 goods is found to exist based upon the invoice, such deficiency shall be certified,
22 under pain of penalty for falsification or perjury, by the customs officers
23 concerned and upon the production of proof showing that the shortage occurred
24 before the arrival of the goods in the Philippines. Upon sufficient proof thereof,
25 the proper abatement or refund of the duty shall be made.

26 **SEC. 908. *Abatement or Refund of Duties on Goods Lost or***

27 ***Destroyed After Arrival.*** – The Bureau may abate or refund the amount of
28 duties accruing or paid on any goods that have been lost due to injury, theft,

1 destruction through fire or through any other causes, upon satisfactory proof of
2 the same, under any of the following circumstances:

3 (a) while within the territory of any port of entry, prior to unloading under
4 the Bureau's supervision;

5 (b) while remaining in customs custody after unloading;

6 (c) while in transit from the port of entry to any port in the Philippines;

7 and

8 (d) while released under sufficient security for export except in case of
9 loss by theft.

10 **SEC. 909. Abatement and Refund of Defective Goods.** – Under
11 conditions to be set by the Commissioner, and with the approval of the Secretary
12 of Finance, an abatement and refund shall be granted on imported or exported
13 goods which are found defective or otherwise not in accordance with the agreed
14 specifications at the time of importation or exportation and are returned either to
15 the supplier or to another person designated by the supplier, subject to the
16 following conditions:

17 (a) the goods have not been worked, repaired, or used in the country of
18 importation, and are re-exported within a reasonable time; and

19 (b) the goods have not been worked, repaired, or used in the country to
20 which they were exported, and are re-imported within a reasonable time.

21 Use of the goods shall, however, not hinder the refund if such use was
22 indispensable to discover the defects or other circumstances which caused the
23 re-exportation or re-importation of the goods.

24 As an alternative to re-exportation or re-importation, the goods may be
25 expressly abandoned or destroyed or rendered commercially valueless under
26 customs control as the Bureau may decide. In such case, the importer shall not
27 be entitled to an abatement or a refund if it does not defray the costs of such
28 abandonment, destruction, or rendition.

1 **SEC. 910. *Abatement of Duty on Dead or Injured Animals.*** – Where
2 it is certified, under pain of penalty for falsification or perjury, and upon
3 production of proof satisfactory to the Bureau that an animal subject of
4 importation dies or suffers injury before arrival, or while in customs custody, the
5 duty due thereon shall be abated provided that its carcass on board or in
6 customs custody is removed in the manner required by the Bureau and at the
7 expense of the importer.

8 **SEC. 911. *Investigation Required in Case of Abatements and***
9 ***Refunds.*** – The customs officer concerned shall, in all cases of abatement or
10 refund of duties, submit an examination report as to any fact discovered which
11 indicates any discrepancy and cause the corresponding adjustment on the goods
12 declaration: *Provided*, That no abatement or refund of duties, taxes, and other
13 charges shall be allowed on goods lost or destroyed in bonded public or private
14 warehouses outside the customs zone.

15 **SEC. 912. *Refund Arising from Correction of Errors.***– Manifest
16 clerical errors made on an invoice or entry, errors in return of weight, measure
17 and gauge, when duly certified to under penalties of falsification or perjury by the
18 surveyor or examining officer when there are such officers at the port, and errors
19 in the distribution of charges on invoices not involving any question of law and
20 certified to under penalties of falsification or perjury by the examining customs
21 officer, may be corrected in the computation of duties, if such errors are
22 discovered before the payments of duties, or if discovered within one (1) year
23 after release from customs custody of imported goods upon written request and
24 notice of error from the importer, or upon statement of error certified by the
25 District Officer.

26 For the purpose of correcting errors specified in the next preceding
27 paragraph, the Bureau is authorized to make refunds within the statutory time
28 limit.

1 data, subject to the approval of Secretary of Finance upon recommendation of
2 the Commissioner. The criteria for selecting firms to be audited shall include:

- 3 a. relative magnitude of customs revenue to be generated from the firm:
- 4 b. the rates of duties of the firm's imports;
- 5 c. the compliance track records of the firm; and
- 6 d. an assessment of the risk to revenue of the firm's import activities.

7 **SEC. 1002. Access to Records.** - Any authorized officer of the Bureau
8 shall be given by the importer and customs broker full and free access to the
9 premises where the records are kept to conduct audit examination, inspection,
10 verification, and investigation of those records relevant to such investigation or
11 inquiry.

12 A copy of any document certified by or on behalf of the importer is
13 admissible in evidence in all courts as if it were the original copy.

14 A customs officer is not entitled to enter the premises under this Section
15 unless, before so doing, the officer produces to the person occupying or
16 apparently in charge of the premises written evidence of the fact of being duly
17 authorized. The person occupying or apparently in charge of the premises
18 entered by an officer shall provide the officer with all reasonable facilities and
19 assistance for the effective exercise of the officer's authority under this Section.

20 Unless otherwise provided herein or in other provisions of law, the Bureau
21 may, in case of disobedience, invoke the aid of the proper regional trial court
22 within whose jurisdiction the matter falls. The court may punish contumacy or
23 refusal as contempt. In addition, the fact that the importer or customs broker
24 denies the authorized customs officer full and free access to importation records
25 during the conduct of a post clearance audit shall create a presumption of
26 inaccuracy in the transaction value declared for their imported goods and
27 constitute grounds for the bureau to conduct a re-assessment of such goods.

28 In addition, the imposition of the appropriate criminal sanctions provided
29 under this Act and other administrative sanctions may be concurrently invoked

1 against contumacious importers, including the suspension of the delivery or
2 release of their imported goods.

3 **SEC. 1003. Requirement to Keep Records.** – (a) All importers are
4 required to keep at their principal place of business, in the manner prescribed by
5 regulations to be issued by the Commissioner and for a period of three (3) years
6 from the date of final payment of duties and taxes or customs clearance, as the
7 case may be, all records pertaining to the ordinary course of business and to any
8 activity or information contained in the records required by this Title in connection
9 with any such activity;

10 (b) For purposes of the post clearance audit and Section 1005, the term
11 importer shall include the following:

12 (1) Importer-of-record or consignee, owner or declarant, or a party who:

13 (i) imports goods into the Philippines or withdraws such goods into the
14 Philippine customs territory for consumption or warehousing;
15 files a claim for refund or drawback; or transports or stores
16 such goods carried or held under security; or

17 (ii) knowingly causes the importation or transportation or storage of
18 imported goods referred to above, or the filing of refund or
19 drawback claim.

20 (2) An agent of any party described in paragraph (1); or

21 (3) A person whose activities require the filing of a goods declaration.

22 (c) A person ordering imported goods from a local importer or supplier in a
23 domestic transaction shall be exempted from requirements imposed by this
24 Section unless:

25 (1) the terms and conditions of the importation are controlled by the
26 person placing the order; or

27 (2) the circumstances and nature of the relationship between the person
28 placing the order and the importer or supplier are such that the former

1 may be considered as the beneficial or true owner of the imported
2 goods; or

3 (3) the person placing the order had prior knowledge that they will be used
4 in the manufacture or production of the imported goods.

5 All customs brokers and all other parties engaged in customs clearance
6 and processing are required to keep at principal place of business, in the manner
7 prescribed by regulations to be issued by the Commissioner and for a period of
8 three (3) years from the date of filing of the goods declaration, copies of the
9 abovementioned records covering the transactions handled.

10 Locators or persons authorized to bring imported goods into free zones,
11 such as the special economic zones and free ports, are required to keep subject-
12 records of all its activities, including in whole or in part, records on imported
13 goods withdrawn from said zones into the customs territory.

14 **SEC.1004. Power of the Commissioner to Obtain Information and**
15 **Issue Summons.** – For the effective implementation of the post clearance audit
16 functions of the Bureau, the Commissioner is hereby authorized to:

17 (a) obtain on a regular basis from any person, in addition to the person
18 who is the subject of a post clearance audit or investigation, or from any office or
19 officer of the national and local governments, government agencies and
20 instrumentalities, including the Bangko Sentral ng Pilipinas (BSP) and
21 government-owned or -controlled corporations (GOCCs), any information such
22 as costs and volume of production, receipts or sales and gross incomes of
23 taxpayers, and the names, addresses, and financial statements of corporations,
24 regional operating headquarters of multinational companies, joint accounts,
25 associations, joint ventures or consortia and registered partnerships, and their
26 members, whose business operations or activities are directly or indirectly
27 involved in the importation or exportation of imported goods or products
28 manufactured from imported component materials;

1 (b) summon the person liable for duties and taxes or required to file an
2 entry, or any officer or employee of such person, or any person having
3 possession, custody, or care of the books of accounts and other accounting
4 records containing entries relating to the business of the person liable for duties
5 and taxes, or any other person, to appear before the Commissioner or the duly
6 authorized representative at a time and place specified in the summons and to
7 produce such books, papers, records, or other data, and to give testimony;

8 (c) take such testimony of the person concerned, under oath, as may be
9 relevant or material to such inquiry; or

10 (d) obtain information from banks or other financial institutions on
11 commercial documents and records pertaining specifically to payments relevant
12 to import transaction.

13 The provisions of the foregoing paragraphs notwithstanding, nothing in
14 this Section shall be construed as granting the Commissioner the authority to
15 inquire into bank deposits of persons or entities mentioned in this Title.

16 **SEC. 1005. *Failure to Pay Correct Duties and Taxes on Imported***
17 ***Goods.*** – Any person who, after being subjected to post clearance audit and
18 examination as provided in Section 1000, is found to have incurred deficiencies
19 in duties and taxes paid for imported goods, shall be penalized according to two
20 (2) degrees of culpability subject to any mitigating, aggravating, or extraordinary
21 factors that are clearly established by available evidence as described
22 hereunder:

23 (a) Negligence. – When a deficiency results from an offender's failure,
24 through an act or acts of omission or commission, to exercise reasonable care
25 and competence in ensuring that a statement made is correct, the offender shall
26 be charged for committing negligence, and, if found guilty shall be penalized with
27 a fine equivalent to one hundred twenty five percent (125%) of the revenue loss;

28 (b) Fraud. – When the material false statement or act in connection with
29 the transaction was committed or omitted knowingly, voluntarily and intentionally,

1 as established by clear and convincing evidence, the offender who is charged for
2 committing fraud and is found guilty thereof, shall be penalized with a fine
3 equivalent to six (6)times of the revenue loss and/or imprisonment of not less
4 than two (2) years, but not more than eight (8) years.

5 The decision of the Commissioner, upon proper hearing, to impose
6 penalties as prescribed in this section may be appealed in accordance with
7 Section 1104.

8 **SEC. 1006. *Records to be Kept by the Bureau.*** – The Bureau shall
9 keep a database of importer and broker profiles which shall include a record of
10 audit results and the following information and papers:

- 11 (a) Articles of Incorporation;
- 12 (b) The company structure, which shall include but not be limited to
13 incorporators and board of directors, key officers, and organizational structure:
- 14 (c) Key importations;
- 15 (d) Privileges enjoyed;
- 16 (e) Penalties; and
- 17 (f) Risk categories.

18 The Bureau shall furnish the BIR and the DOF a copy of the final audit
19 results within thirty (30) days from the issuance thereof.

20 **TITLE XI**

21 **ADMINISTRATIVE AND JUDICIAL PROCEDURES**

22 **CHAPTER 1**

23 **ADVANCE RULING AND DISPUTE SETTLEMENT**

24 **SEC. 1100. *Classification Ruling.*** – An importer or exporter may file
25 a written application for an advance ruling on the tariff classification of goods with
26 the Tariff Commission. The Tariff Commission shall render a ruling within thirty
27 (30) days from receipt of a properly documented application.

28 When a declared tariff classification of goods, not subject of a pending
29 application for advance ruling, is in dispute, the importer, exporter, or the Bureau

1 shall submit the matter to the Tariff Commission for a ruling, without prejudice to
2 the application of Section 1106 of this Act on "protest": *Provided*, that such
3 rulings of the Tariff Commission on commodity classification shall be binding
4 upon the Bureau, unless the Secretary of Finance shall rule otherwise.

5 **SEC. 1101. *Valuation Ruling.*** - An importer or exporter may file a written
6 application for an advance valuation ruling on the proper application of a specific
7 method on customs valuation of specific goods as prescribed in Title VII, Chapter
8 1 of this Act.

9 The application for a valuation ruling shall be filed with the Commissioner
10 who shall issue a ruling within thirty (30) days from submission of the application
11 form and supporting documents as may be required by rules and regulations.

12 When the valuation method of goods not subject of an application for
13 advance valuation ruling or the declared customs value is in dispute, the matter
14 shall be resolved in accordance with Section 1106 of this Act on "protest".

15 **SEC. 1102. *Ruling on the Rules of Origin.*** - An importer or exporter
16 may file a written application for a ruling on whether the goods qualify as
17 originating under the rules of origin of the applicable preferential trade
18 agreement. The application for an advance ruling on origin shall be filed with the
19 Commissioner who shall act on the application within thirty (30) days from receipt
20 of the application and supporting documents as may be required by rules and
21 regulation.

22 When the declared origin of the goods, not subject of a request for
23 advance ruling on origin, is in dispute, the matter shall be resolved in accordance
24 with Section 1106 of this Act on "protest".

25 **SEC. 1103. *Conditions for Application and Effect of Advance Ruling.***
26 — An application for an advance ruling shall cover only one (1) product or item.
27 the application for advance ruling shall be filed at least ninety (90) days before
28 the importation or exportation of the product or item, as the case may be.

1 Section. It shall point out the particular decision or ruling of the District Officer for
2 which protest is being made, and shall indicate the particular ground or grounds
3 upon which the protesting party bases the claim for relief. The scope of a protest
4 shall be limited to the particular goods subject of a goods declaration, but any
5 number of issues may be raised in a protest with reference to the goods
6 declaration constituting the subject matter of the protest.

7 **SEC. 1109. *Samples to be Furnished by Protesting Parties.*** – If the
8 nature of the goods permit, importers filing protests involving questions of fact
9 must, upon demand, present to the Commissioner samples of the goods which
10 are the subject matter of the protest. The samples of the goods shall be verified
11 by the customs officer who made the classification against which the protests are
12 filed.

13 **SEC. 1110. *Decision in Protest.*** – When a protest is filed in proper
14 form, the Commissioner shall render a decision within thirty (30) days from
15 receipt of the protest. In case the protest is sustained, in whole or in part, the
16 appropriate order shall be made, and the entry reassessed, if necessary.

17 **CHAPTER 3**

18 **ALERT ORDERS**

19 **SEC. 1111. *Alert Orders.*** – Alert orders are written orders issued by
20 customs officers as authorized by the Commissioner on the basis of derogatory
21 information regarding possible non-compliance with this Act. An alert order will
22 result in the suspension of the processing of the goods declaration and the
23 conduct of physical or non-intrusive inspection of the goods within forty-eight (48)
24 hours from issuance of the order. Within forty-eight (48) hours or, in the case of
25 perishable goods, within twenty-four (24) hours from inspection, the alerting
26 officer shall recommend the issuance of a warrant of seizure and detention or the
27 suspension of processing of the release of the goods by the District Officer
28 concerned.

1 Derogatory information shall indicate the violations and other necessary
2 specifics thereof. For this purpose, the following shall not be considered
3 derogatory information:

4 (a) General allegations of undervaluation;

5 (b) General allegations of misclassification without providing the
6 appropriate tariff heading and duty of the shipment to be alerted;

7 (c) General allegations of over-quantity without indicating the source of
8 information supporting the allegation;

9 (d) General allegations of misdeclaration in the entry without indicating the
10 suspected actual contents thereof; and general allegations of importations
11 contrary to law without indicating the specific law or rule to be violated.

12 No alert order shall be issued on account of allegations of undervaluation
13 unless said undervaluation is caused by the submission to customs of forged or
14 spurious invoice or other commercial documents.

15 An alert order may be issued only after lodgement of the goods
16 declaration and prior to the release of goods from customs custody. Under no
17 circumstances shall the suspension of the processing of goods declaration be
18 *allowed except through an alert order issued by an authorized customs officer.*

19 The costs of the physical inspection shall be borne by the Bureau:
20 *Provided,* That such cost shall be reimbursed by the owner prior to the release of
21 the goods if the physical inspection results to the assessment of additional duties
22 or taxes or the issuance of a warrant of seizure.

23 The Commissioner shall be notified of the recommendation by the alerting
24 officer within twenty-four (24) hours from the issuance of the alert order. Alert
25 orders shall be dated and assigned a unique reference number in series which
26 shall be the basis for reporting to and monitoring by the Commissioner and the
27 Secretary of Finance.

28 The Bureau shall create a central clearing house for alert orders and shall
29 submit reports quarterly on the status thereof.

1 (e) Goods which are fraudulently concealed in or removed contrary to law
2 from any public or private warehouse, container yard, or container freight station
3 under customs supervision;

4 (f) Goods the importation or exportation of which are effected or attempted
5 contrary to law, or any goods of prohibited importation or exportation, and all
6 other goods which, in the opinion of the District Officer, have been used, are or
7 were entered to be used as instruments in the importation or the exportation of
8 the former;

9 (g) Unmanifested goods found on any vessel or aircraft if manifest
10 therefor is required;

11 (h) Sea stores or aircraft stores adjudged by the District Officer to be
12 excessive, when the duties and taxes assessed by the District Officer thereon
13 are not paid or secured forthwith upon assessment of the same;

14 (i) Any package of imported goods which is found upon examination to
15 contain goods not specified in the invoice or goods declaration including all other
16 packages purportedly containing imported goods similar to those declared in the
17 invoice or goods declaration to be the contents of the misdeclared package:

18 (j) Boxes, cases, trunks, envelopes, and other containers of whatever
19 character used as receptacle or as device to conceal goods which are subject to
20 forfeiture under this Act or which are so designed as to conceal the character of
21 such goods;

22 (k) Any conveyance actually used for the transport of goods subject to
23 forfeiture under this Act, with its equipage or trappings, and any vehicle similarly
24 used, together with its equipment and appurtenances. The mere conveyance of
25 smuggled goods by such transport vehicle shall be sufficient cause for the
26 outright seizure and confiscation of such transport vehicle but the forfeiture shall
27 not be effected if it is established that the owner of the means of conveyance
28 used as aforesaid, is engaged as common carrier and not chartered or leased, or

1 that the agent in charge thereof at the time, has no knowledge of the unlawful
2 act; and

3 (l) Goods sought to be imported or exported:

4 (1) without going through a customs office, whether the act was
5 consummated, frustrated, or attempted;

6 (2) found in the baggage of a person arriving from abroad and undeclared
7 by such person;

8 (3) through a false declaration or affidavit executed by the owner,
9 importer, exporter, or consignee concerning the importation of such
10 goods;

11 (4) on the strength of a false invoice or other document executed by the
12 owner, importer, exporter, or consignee concerning the importation or
13 exportation of such goods; or

14 (5) through any other practice or device contrary to law by means of which
15 such goods entered through a customs office to the prejudice of the
16 government.

17 **SEC. 1114. Properties Not Subject to Forfeiture in the Absence of**
18 ***Prima Facie Evidence.*** – The forfeiture of the vehicle, vessel, or aircraft shall
19 not be effected if it is established that the owner thereof or the agent in charge of
20 the means of conveyance used as aforesaid has no knowledge of or participation
21 in the unlawful act: *Provided, That a prima facie* presumption shall exist against
22 the vehicle, vessel, or aircraft under any of the following circumstances:

23 (a) If the conveyance has been used for smuggling before;

24 (b) If the owner is not in the business for which the conveyance is
25 generally used; and

26 (c) If the owner is not financially in a position to own such conveyance.

27 **SEC. 1115. Conditions Affecting Forfeiture of Goods.** – The
28 forfeiture shall be effected only when and while the goods are in the custody or
29 within the jurisdiction of customs officers, or in the possession or custody of or

1 subject to the control of the importer, exporter, original owner, consignee, agent
2 of another person effecting the importation, entry or exportation in question, or in
3 the possession or custody of or subject to the control of persons who shall
4 receive, conceal, buy, sell, or transport the same, or aid in any such acts, with
5 knowledge that the goods were imported, or were the subject of an attempt at
6 importation or exportation contrary to law.

7 **SEC. 1116. *Seizure or Release of Goods.*** – The District Officer shall
8 issue an order of release or a warrant of seizure within five (5) days, or two (2)
9 days in case of perishable goods, upon the recommendation of the alerting
10 officer or any other customs officer. The District Officer shall immediately make a
11 report of such seizure or release to the Commissioner.

12 **SEC. 1117. *Warrant of Seizure.*** – The District Officer shall have the
13 authority to issue a warrant of seizure of the goods upon determination of
14 probable cause as provided for in this Act. The Bureau's Legal Service, through
15 the Prosecution and Litigation Division (PLD), may also determine the existence
16 of probable cause for the issuance of warrant of seizure. The District Officer shall
17 submit to the PLD within twenty-four (24) hours the relevant report and
18 documents which support the basis of its action. The PLD shall submit its
19 findings and recommendations to the Director of the Legal Service within three
20 (3) days of receipt of such report, or within twenty-four (24) hours in the case of
21 perishable goods. On the basis thereof, the Director of the Legal Service shall
22 immediately recommend to the District Officer for the issuance or non-issuance
23 of a warrant of seizure.

24 Prior to the final resolution of forfeiture proceedings, the District Officer
25 may, with prior notice to the Commissioner and upon motion by the importer or
26 consignee, allow the release of seized goods under cash bond or sufficient
27 security equivalent to the landed cost of the goods and any fine, expenses, and
28 costs which may be adjudged, subject to the following:

1 (1) There is no prima facie evidence of fraud in the importation of the
2 goods;

3 (2) The goods shall not be released when the importation is prohibited by
4 law; and

5 (3) The release of the goods under this Section shall not be construed as
6 relieving the owner or importer from any criminal liability which may arise from
7 any violation of this Act or other laws.

8 **Sec. 1118. Sale of Perishable Goods during Forfeiture Proceedings.** –
9 upon motion of the importer of the perishable goods, the goods may be sold at a
10 public auction during the pendency of the forfeiture proceedings. The proceeds
11 of the auction shall be held in escrow until the final resolution of the proceedings.

12 **SEC. 1119. Service of Warrant of Seizure.** – The District Officer shall
13 cause the service of the warrant of seizure to the owner or importer of the goods
14 or the authorized representative thereof. The owner or importer shall be given an
15 opportunity to be heard during the forfeiture proceedings.

16 For the purpose of serving the warrant, the importer, consignee, or person
17 holding the bill of lading or airway bill shall be deemed the "owner" of the goods.
18 For the same purpose, "authorized representative" shall include any agent of the
19 owner and if the owner or the agent is unknown, any person having possession
20 of the goods at the time of the seizure.

21 Service of warrant to an unknown owner shall be effected by posting the
22 warrant for fifteen (15) days in a public place at the concerned district, and by
23 electronic or printed publication.

24 **SEC. 1120. Description, Classification and Valuation of Seized**
25 **Goods.** – The District Officer shall cause the preparation of a list and particular
26 description, classification, and valuation of the goods seized and valuation of
27 identical or similar goods.

28 **SEC. 1121. Proceedings in Case of Property Belonging to Unknown**
29 **Parties.** – If, within fifteen (15) days after service of warrant, no owner or agent

1 can be found or appears before the District Officer, the seized goods shall be
2 forfeited *ipso facto* in favor of the government to be disposed of in accordance
3 with this Act.

4 **SEC. 1122. Seizure of Vessel or Aircraft for Delinquency of Owner or**
5 **Officer.** – When the owner, agent, master, pilot in command or other
6 responsible officer of any vessel or aircraft becomes liable for any violation of
7 this Act, the vessel or aircraft may be seized and subjected to forfeiture
8 proceedings for the settlement of any fine or penalty for which such person is
9 liable. In determining whether or not to seize a vessel or aircraft, the Bureau shall
10 take into account the amount of fine or penalty in relation to the commercial
11 impact that may be caused to international trade by the seizure or detention as
12 well as the value of the vessel or aircraft.

13 **SEC. 1123. Burden of Proof in Forfeiture Proceedings.** – In all
14 proceedings for the forfeiture of any vehicle, vessel, aircraft, or goods under this
15 Act, the burden of proof shall be borne by the claimant.

16 **SEC. 1124. Settlement of Pending Seizure Case by Payment of Fine**
17 **or Redemption of Forfeited Goods.** – Subject to the approval of the
18 Commissioner, the District Officer may allow the settlement by payment of fine or
19 the redemption of forfeited goods, during the course of the forfeiture proceeding.
20 However, the Commissioner may accept the settlement by redemption of any
21 forfeiture case on appeal. No settlement by payment of fine shall be allowed
22 when there is fraud or when the discrepancy in duty and tax to be paid between
23 what is determined and what is declared amounts to more than thirty percent
24 (30%).

25 In case of settlement by payment of fine, the owner, importer, exporter, or
26 consignee or agent shall offer to pay a fine equivalent to thirty percent (30%) of
27 the landed cost of the seized goods. In case of settlement by redemption, the
28 owner, importer, exporter, or consignee or agent shall offer to pay the redeemed

1 value equivalent to one hundred percent (100%) of the landed cost or the
2 domestic value, whichever is higher.

3 Upon payment of the fine or payment of the redeemed value, the goods
4 shall be released and all liabilities which may attach to the goods shall be
5 discharged without prejudice to the filing of administrative or criminal case.

6 Settlement of any seizure case by payment of the fine or redemption of
7 forfeited goods shall not be allowed when there is fraud, or where the importation
8 is prohibited or the release of the goods is contrary to law.

9 **SEC. 1125. *Decision in Forfeiture Cases.*** - In forfeiture cases, the
10 District Officer shall issue an order for hearing within fifteen (15) days, or five (5)
11 days in case of perishable goods, from issuance of the warrant and hear the
12 matter thus presented. The District Officer shall render a decision within thirty
13 (30) days upon termination of the hearing, or within ten (10) days in case of
14 perishable goods. The decision shall include a declaration of forfeiture, the
15 imposition of a fine or such other action as may be proper.

16 CHAPTER 5

17 APPEAL IN PROTEST AND FORFEITURE CASES

18 **SEC. 1126. *Appeal to the Commissioner.*** - In forfeiture cases, the
19 person aggrieved by the decision of a District Officer may, within fifteen (15) days
20 or five (5) days in case of perishable goods, from receipt of the decision, file a
21 written notice of appeal to the District Officer with a copy furnished to the
22 Commissioner of his intention to appeal the action or decision of the District
23 Officer together with the payment of the required appeal fee. The District Officer
24 shall immediately transmit all the records of the proceedings to the
25 Commissioner, who shall review and decide on the appeal within thirty (30) days
26 from receipt of the records, or fifteen (15) days in the case of perishable goods.
27 *Provided,* That if within thirty (30) days, no decision is rendered, the decision of
28 the District Officer under appeal shall be deemed affirmed. An appeal filed
29 beyond the period herein prescribed shall be dismissed.

1 The decision of the Commissioner may be served by through the
2 recognized modes of service under existing law.

3 **SEC. 1127. *Automatic Review in Forfeiture Cases.*** - The Commissioner
4 shall automatically review any decision by the District Officer adverse to the
5 government. The entire records of the case shall be elevated within five (5) days
6 from the promulgation of the decision. The Commissioner shall decide on the
7 automatic review within thirty (30) days, or within ten (10) days in the case of
8 perishable goods, from receipt of the records. When no decision is rendered
9 within the prescribed period or when a decision adverse to the government is
10 rendered by the Commissioner involving goods with FOB or FCA value of Ten
11 Million Pesos (P10,000,000.00) or more, the records on the decision of the
12 Commissioner, or of the District Officer under review, as the case may be, shall
13 be automatically elevated within five (5) days for review by the Secretary of
14 Finance. The decision issued by the Secretary of Finance, whether or not a
15 decision was rendered by the Commissioner within thirty (30) days, or within ten
16 (10) days in the case of perishable goods, from receipt of the records, shall be
17 final upon the Bureau.

18 **SEC. 1128. *Automatic Review by the Secretary of Finance in Other***
19 ***Cases.*** – In cases not involving protest or forfeiture, the Commissioner shall
20 automatically review any decision by the District Officer that is adverse to the
21 government. The records of the case shall be elevated to the Commissioner
22 within five (5) days from the promulgation of the decision. The Commissioner
23 shall decide on the automatic review within thirty (30) days from receipt of the
24 records, or within ten (10) days in the case of perishable goods. When no
25 decision is rendered within the prescribed period or when any decision rendered
26 by the Commissioner is adverse to the government, the records of the case
27 under review shall be automatically elevated within five (5) days for the review of
28 the secretary of finance. The decision issued by the Secretary of Finance,
29 *whether or not a decision was rendered by the Commissioner within thirty (30)*

1 days from receipt of the records, or within ten (10) days in the case of perishable,
2 shall be final upon the Bureau.

3 CHAPTER 6

4 ABANDONMENT

5 **SEC. 1129. *Abandonment, Kinds and Effects of.*** – Imported goods
6 are deemed abandoned under any of the following circumstances:

7 (a) When the owner, importer, or consignee of the imported goods
8 expressly signifies in writing to the District Officer the intention to abandon the
9 same; or

10 (b) When the owner, importer, consignee, or interested party after due
11 notice, fails to file an entry within the prescribed period in Section 407: *Provided,*
12 That the term entry shall include provisional or incomplete goods declaration
13 deemed valid by the Bureau as provided in Section 403 of this Act. For this
14 purpose, it is the duty of the District Officer to post a list of all packages
15 discharged and their consignees, whether electronically or physically in the
16 District Office, or send a notice to the consignee within five (5) days from the
17 date of discharge; or

18 (c) Having filed such entry, an owner, importer, consignee or interested
19 party after due notice, fails to pay the assessed duties, taxes and other charges
20 thereon, or, if the regulated goods failed to comply with Section 117, within
21 fifteen (15) days from the date of final assessment: *Provided,* That if such
22 regulated goods are subject of an Alert Order and the assessed duties, taxes,
23 and other charges thereof are not paid within fifteen (15) days from notification
24 by the Bureau of the resolution of the Alert Order, the same shall also be
25 deemed abandoned; or

26 (d) Having paid the assessed duties, taxes, and other charges, the
27 owner, importer or consignee or interested party after due notice, fails to claim
28 the goods within thirty (30) days. For this purpose, the arrastre or warehouse

1 operator shall report the unclaimed goods to the District Officer for disposition
2 pursuant to the provisions of this Act.

3 The due notice requirement under this Section may be provided by the
4 Bureau through electronic notice or personal service: *Provided*, That for non-
5 regular importers, notification shall be by registered mail or personal service. For
6 this purpose, the accreditation of importers, exporters, and other third parties
7 shall include provision for mandatory receipt of electronic notices.

8 **SEC. 1130. *Treatment and Disposition of Abandoned Goods.*** –
9 Expressly abandoned goods under paragraph (a) of Section 1129 shall *ipso facto*
10 be deemed the property of the government and shall be disposed of in
11 accordance with the provisions of this Act.

12 If the Bureau has not disposed of the abandoned goods, the owner or
13 importer of goods impliedly abandoned may, at any time within thirty (30) days
14 after the lapse of the prescribed period to file the declaration, reclaim the goods
15 provided that all legal requirements have been complied with and the
16 corresponding duties, taxes, and other charges as well as expenses incurred
17 have been paid before the release of the goods from customs custody.

18 When the Bureau sells goods which have been impliedly abandoned,
19 although no offense has been discovered, the proceeds of the sale, after
20 deduction of any duty and tax and all other charges and expenses incurred as
21 provided in Section 1143, shall be turned over to those persons entitled to
22 receive them or, when this is not possible, held at their disposal for a specified
23 period. After the lapse of the specified period, the balance shall be transferred to
24 the forfeiture fund as provided in Section 1151.

25 CHAPTER 7

26 OTHER ADMINISTRATIVE PROCEEDINGS

27 **SEC. 1131. *Authority of the Commissioner to Make Compromise.*** –
28 Subject to the approval of the Secretary of Finance, the Commissioner may
29 compromise any administrative case arising under this Act involving the

1 imposition of fines and surcharges, including those arising from the conduct of a
2 post clearance audit, unless otherwise specified by law.

3 Cases involving forfeiture proceedings shall however not be subject to any
4 compromise.

5 CHAPTER 8

6 CIVIL REMEDIES FOR THE COLLECTION OF DUTIES AND TAXES

7 **SEC. 1132. Remedies for the Collection of Duties, Taxes, Fines,**
8 **Surcharges, Interests, and other Charges.** – The civil remedies for the
9 collection of import duties, taxes, fees, or charges resulting from the conduct of a
10 post clearance audit shall be obtained by:

11 (a) distraint of goods, chattels, or effects, and other personal property of
12 whatever character, including stocks and other securities, debts, credits, bank
13 accounts, and interest in and rights to personal property, and by levy upon real
14 property and interest in rights to real property; and

15 (b) by civil or criminal action.

16 Either or both of these remedies may be pursued at the discretion of the
17 bureau: *Provided*, That the remedies of distraint and levy shall not be allowed
18 when the amount of duties and taxes involved is not more than Ten Thousand
19 Pesos (P10,000.00).

20 The Bureau shall advance the amounts needed to defray costs of
21 collection by means of civil or criminal action, including the preservation or
22 transportation of personal property distrained and the advertisement and sale
23 thereof, as well as of real property and improvements thereon.

24 **SEC. 1133. Constructive Distraint of the Property.** – To safeguard
25 the interest of the government, the Commissioner may place under constructive
26 distraint the property of a delinquent importer who, in the opinion of the
27 commissioner, is retiring from any business subject to duty and tax, or is
28 intending to leave the Philippines, or to remove the property therefrom, or to hide

1 or conceal the property, or to perform any act tending to obstruct the proceedings
2 for collecting the duty and tax due, or which may be due.

3 The constructive distraint of personal property shall be effected by
4 requiring the importer or any person in possession or control of such property to
5 sign a receipt covering the property, to obligate to preserve the distrained
6 property on the state and condition at the time of the government's seizure of the
7 same, and not to dispose of the same in any manner whatsoever, without the
8 express authority of the Commissioner.

9 In case the importer or the person in possession and control of the
10 property sought to be placed under constructive distraint refuses or fails to sign
11 the receipt herein referred to, the Customs Officer effecting the constructive
12 distraint shall proceed to prepare a list of such property and, in the presence of
13 two (2) witnesses, leave a copy thereof in the premises where the property
14 distrained is located, after which the said property shall be deemed to have been
15 placed under constructive distraint.

16 **SEC. 1134. Summary Remedies.** – (a) Distraint of Personal Property. –
17 upon the failure of the person owing any delinquent duty, tax, and other charges
18 to pay at the time required, the Commissioner shall seize and distraint the goods,
19 chattels or effects, and the personal property, including stocks and other
20 securities, debts, credits, bank accounts, and interests in and rights to personal
21 property of such persons, in sufficient quantity to satisfy the duty, tax, or other
22 charge and the expenses of the distraint and the cost of the subsequent sale.

23 A report on the distraint shall, within ten (10) days from receipt of the
24 warrant, be submitted by the Commissioner to the Secretary of Finance:
25 *Provided*, That the Commissioner shall have the power to lift such order of
26 distraint subject to the rules and regulations promulgated pursuant to this Act.

27 (b) Levy on Real Property. – After the expiration of the period within
28 which to pay the duty, tax, and other charges as prescribed in this Section, real
29 property may be levied upon, before, simultaneously, or after the distraint of

1 personal property belonging to the importer. To this end, the Commissioner or
2 the duly authorized representative shall prepare a duly authenticated certificate
3 showing the name of the importer and the amounts of the duty and tax and
4 penalty due. The certificate shall operate with the force of a legal execution
5 throughout the Philippines.

6 The levy shall be effected by writing upon the certificate a description of
7 the property on which levy is made. At the same time, written notice of the levy
8 shall be mailed to or served upon the Register of Deeds for the province or city
9 where the property is located and upon the importer, or if the latter is not in the
10 Philippines, upon the agent or the manager of the business from which the
11 liability arose, or if there be none, to the occupant of the property in question.

12 In case the warrant of levy on real property is not issued before or
13 simultaneously with the warrant of distraint on personal property, and the
14 personal property of the importer is not sufficient to satisfy the duty and tax due,
15 the Commissioner or a duly authorized representative shall, within thirty (30)
16 days after execution of the distraint, proceed with the levy on the real property of
17 the importer.

18 Within ten (10) days after receipt of the warrant, a report on any levy shall
19 be submitted by the levying officer to the Commissioner: *Provided*, That the
20 Commissioner may lift such warrants of levy issued, subject to the rules and
21 regulations promulgated pursuant this Act.

22 CHAPTER 9

23 JUDICIAL PROCEEDINGS

24 **SEC. 1135. *Supervision and Control over Criminal and Civil***
25 ***Proceedings.*** – Civil and criminal actions and proceedings instituted on behalf
26 of the government under the authority of this Act or other laws enforced by the
27 Bureau shall be brought in the name of the government of the Philippines and
28 shall be prosecuted and handled by the Bureau with the assistance of the
29 Department of Justice (DOJ): *Provided*, That, the determination of the existence

1 of probable cause and the subsequent filing of any criminal or civil case with the
2 proper court against violators of this Act shall exclusively belong to the DOJ:
3 *Provided, however,* That no civil or criminal action for the recovery of duties or
4 the enforcement of any fine, penalty or forfeiture under this Act shall be filed in
5 court without the approval of the Commissioner.

6 **SEC. 1136. *Review by CTA.*** – Unless otherwise provided in this Act or
7 by any other law, the party aggrieved by the ruling or decision of the
8 Commissioner may appeal to the CTA, in the manner and within the period
9 prescribed by law and regulations. Decisions of the Secretary of Finance when
10 required by this Act, may likewise be appealed to the CTA.

11 Unless an appeal is made to the CTA in the manner and within the period
12 prescribed by law and regulations, the ruling or decision of the Commissioner or
13 the Secretary of Finance shall be final and executory.

14 **SEC. 1137. *Exclusive Jurisdiction of the Bureau.*** - Jurisdiction over
15 imported goods and goods for exportation shall be exclusive to the Bureau, or
16 the Secretary of Finance, when under review by the latter, subject to the
17 proceedings described in this Title.

18 Except for the CTA, no court may issue any order or decision until all the
19 remedies for administrative appeal have been exhausted.

20 **SEC. 1138. *Fraud Investigation and Prosecution.*** – No criminal case
21 for violation of this Title shall be instituted without the approval of the
22 Commissioner pursuant to the provisions of this Act.

23 The Bureau shall have the power to investigate and institute smuggling
24 cases committed within its jurisdiction: *Provided,* That in case of inquest, the
25 same may be instituted by the apprehending custom offices.

1 **SEC. 1143. *Disposition of Proceeds.*** – The following expenses and
2 obligations shall be paid from the proceeds of the sale in the order provided:

3 (a) customs duties, except in the case of forfeited goods;

4 (b) taxes and other charges due the government;

5 (c) government storage charges;

6 (d) expenses for the appraisal, advertisement, and sale of auctioned
7 goods;

8 (e) arrastre and private storage charges and demurrage charges; and

9 (f) freight, lighterage or general average, on the voyage of importation, of
10 which due notice shall have been given to the District Officer.

11 The Commissioner is authorized to determine the maximum charges to be
12 recovered by private entities concerned under subsections (e) and (f) of this
13 Section.

14 **SEC. 1144. *Disposition of Perishable Goods.*** – Perishable goods as
15 defined under this Act when certified as such by the Bureau, may be sold at a
16 public auction within five (5) days, after a three (3) day notice.

17 For this purpose, perishable goods shall include goods liable to perish or
18 be wasted, or those that depreciate greatly in value while stored, or which cannot
19 be kept without great disproportionate expense. The Bureau shall proceed to
20 advertise and sell the same at auction upon notice as shall be deemed to be
21 reasonable.

22 **SEC. 1145. *Disposition of Goods Injurious to Public Health.*** –
23 Goods in the custody of the Bureau which, in the opinion of the District Office
24 are injurious to public health, shall be seized. The District Officer shall, if the
25 matter is not disposable under the provisions relating to food and drugs, appoint
26 three (3) members to constitute a Board to examine the goods. The Board shall
27 be composed of one (1) representative from either the Department of Health
28 (DOH) or other appropriate government agency or the local government unit
29 (LGU) concerned, and two (2) representatives from the Bureau. If the goods are

1 found to be injurious to public health, the Board shall report this to the District
2 Officer, who shall order its destruction in an appropriate manner or order its re-
3 exportation in accordance with this Act.

4 The District Officer shall immediately coordinate with the health and
5 quarantine officers at the port of entry for the disposition of goods injurious to
6 public health.

7 **SEC. 1146. *Disposition of Prohibited Goods.*** – Prohibited goods as
8 provided in Section 118 except paragraph (d) thereof and goods suitable for
9 shelter, foodstuffs, clothing materials or medicines shall be destroyed in a
10 manner as the District Officer deems appropriate.

11 **SEC. 1147. *Disposition of Restricted Goods.*** - Restricted goods as
12 described in Section 119 shall be disposed as follows:

13 (a) Dynamite, gunpowder, ammunitions and other explosives, firearms
14 and weapons of war, and parts thereof shall be turned over to the Armed Forces
15 of the Philippines (AFP);

16 (b) Roulette wheels, gambling outfits, loaded dice, marked cards,
17 machines, apparatus or mechanical devices used in gambling or the distribution
18 of money, cigars, cigarettes, or other goods when such distribution is dependent
19 on chance, including jackpot and pinball machines or similar contrivances, or
20 parts thereof shall be turned over to Philippine Amusement Gaming Corporation
21 (PAGCOR);

22 (c) Lottery and sweepstakes tickets, except advertisements thereof, and
23 lists of drawings therein shall be destroyed.

24 (d) Marijuana, opium, poppies, coca leaves, heroin, or other narcotics or
25 synthetic drugs which are or may hereafter be declared habit forming by the
26 President of the Philippines, or any compound, manufactured salt, derivative, or
27 preparation thereof, shall be turned over to the Dangerous Drugs Board;

28 (e) Opium pipes and parts thereof, of whatever material, shall be turned
29 over to the Dangerous Drugs Board; and

1 (f) All other restricted goods which are highly dangerous to be kept or
2 handled shall be destroyed. Otherwise, the restricted goods shall be turned over
3 to the proper government agency for appropriate handling.

4 **SEC. 1148. *Disposition of Regulated Goods.*** – Regulated goods shall
5 be disposed of in a manner to be determined by the appropriate regulatory
6 agency. In the event that the regulatory agency allows the disposition of the
7 regulated goods with commercial value and capable of legitimate use, these shall
8 be disposed of in accordance with Section 1140.

9 **SEC. 1149. *Disposition of Unsold Goods for Want of Bidders.*** –
10 Goods subject to sale at public auction by the Bureau shall be sold at a price not
11 less than the landed cost of the goods adjusted for normal depreciation.

12 Goods which remain unsold after at least two (2) public biddings either
13 due to the lack of bidders or for the lack of an acceptable bid, may be donated to
14 another government agency or declared for official use of the Bureau. If the
15 goods are not suitable either for official use or donation, these may be subject to
16 re-export as government property or sold through a negotiated sale. In case of
17 negotiated sale, the same shall be subject to the approval of the Secretary of
18 Finance and executed in the presence of a representative of the Commission on
19 Audit (COA). For purposes of donating the goods as above described goods
20 suitable for shelter or consisting of food stuffs, clothing materials or medicines
21 may be donated to the Department of Social Welfare and Development (DSWD).

22 **SEC. 1150. *Disposition of Smuggled Goods.*** – Smuggled goods,
23 when forfeited, shall be disposed of as provided in Section 1148 of this Act.

24 **SEC. 1151. *Forfeiture Fund.*** – All proceeds from public auction sales
25 after deduction of the charges as provided in Section 1143 shall be deposited in
26 an account to be known as forfeiture fund.

27 The Fund shall be in the name of and shall be managed by the Bureau
28 which is hereby authorized, subject to the usual government accounting rules
29 and regulations, to utilize it for the following purposes:

1 (a) to outsource, subject to the rules on government procurement
2 established by law, the management of the inventory, safekeeping, maintenance
3 and sale of goods enumerated in Section 1138 of this Act to private service
4 providers: *Provided*, That the Bureau shall retain jurisdictional control and
5 supervision over these goods as well as the operations of the service provider so
6 contracted;

7 (b) to facilitate customs abandonment and forfeiture proceedings and the
8 disposition of goods under Section 1138, particularly those to be disposed of
9 other than through public sale;

10 (c) to enhance customs intelligence and enforcement capability to prevent
11 smuggling; and

12 (d) to support the modernization program and other operational efficiency
13 and trade facilitation initiatives of the Bureau.

14 The DOF and the DBM shall, upon the recommendation of the Bureau,
15 issue a joint regulation to implement the provisions of this Section.

16 TITLE XII

17 THIRD PARTIES

18 CHAPTER 1

19 CUSTOMS SERVICE PROVIDERS

20 **SEC. 1200. *Customs Service Providers.*** – Except customs brokers,
21 upon the recommendation of the Commissioner, the Secretary of Finance shall
22 issue the necessary rules and regulations for the registration and the
23 accreditation of other customs service providers to ensure compliance with this
24 Act and the rules and regulations that shall be promulgated to implement it.

25 **SEC. 1200-A. *Services of Customs Brokers.*** – For the first three (3)
26 years upon the effectivity of this Act, import entry shall be signed by a customs
27 broker and the consignee/owner/importer under oath based on the covering
28 document submitted by the importer as provided in RA 9280 as amended:
29 *Provided*, That after three years, the President, upon recommendation of the

1 Secretary of Finance shall review the need for the mandatory services of
2 customs broker consistent with international standards and customs best
3 practices.

4 CHAPTER 2

5 CARRIERS, VESSELS, AND AIRCRAFTS

6 **SEC. 1201. *Ports Open to Vessels and Aircrafts Engaged in Foreign***
7 ***Trade.*** – Vessels and aircrafts engaged in foreign trade shall visit designated
8 ports of entry only except as otherwise especially allowed by law. Every vessel or
9 aircraft arriving within a Customs District of the Philippines from a foreign port
10 shall dock at the designated port of entry and shall be subject to the authority of
11 the District Officer of the port while within its jurisdiction.

12 **SEC. 1202. *Control of Customs Officer Over Boarding or Leaving of***
13 ***Incoming Vessel and Over Other Vessel Approaching the Former.*** – Upon
14 the arrival in port of any vessel engaged in foreign trade, it shall be unlawful for
15 any person, except the pilot, consul, quarantine officers, customs officers, or
16 other duly authorized persons, to board or leave the vessel without permission of
17 the customs officer concerned. It shall likewise be unlawful for any tugboat,
18 rowboat, or other craft to go alongside such vessel and for any person so
19 authorized to board the vessel to take any unauthorized person to board the
20 same, or allow loitering near or alongside such vessel. Unauthorized tugboats
21 and other vessels shall keep away from such vessel engaged in foreign trade at
22 a distance of not less than fifty (50) meters.

23 **SEC. 1203. *Documents to be Produced by the Master Upon Entry of***
24 ***Vessel.*** – Upon entry of a vessel engaged in foreign trade, the master thereof
25 shall present the following certified documents to the customs boarding officers:

26 (a) the vessel's general declaration;

27 (b) the original manifest of all cargoes destined for the port, to be returned
28 with the endorsement of the boarding officers;

1 (c) three (3) copies of the original manifest, one of which, upon
2 certification by the boarding officer as to the correctness of the copy, shall be
3 returned to the master;

4 (d) a copy of the cargo stowage plan;

5 (e) two (2) copies of the store list;

6 (f) one (1) copy of the passengers list;

7 (g) one (1) copy of the crew list;

8 (h) the original copy of all through cargo manifest, for deposit with the
9 customs officer who has jurisdiction over the vessel while in port;

10 (i) the passengers manifest containing the names of all aliens, in
11 conformity with the requirements of the immigration laws in force in the
12 Philippines;

13 (j) one (1) copy of the original duplicate of fully accomplished bill of
14 lading;

15 (k) the shipping goods and register of the vessel of Philippine registry; and

16 (l) such other related documents.

17 **SEC. 1204. Manifest Required of Vessel from Foreign Port.** – Every
18 vessel from a foreign port must have on board a complete manifest of all its
19 cargoes.

20 All cargoes intended to be landed at a port in the Philippines must be
21 described in separate manifests for each port of call. Each manifest shall include
22 the port of departure and the port of delivery with the marks, numbers, quantity,
23 and description of the packages and the names of the consignees. Every vessel
24 from a foreign port must have on board complete manifests of passengers and
25 baggage, in the prescribed form, setting forth the destination and all particulars
26 required by immigration laws. Every vessel shall present to the proper customs
27 officers upon arrival in ports of the Philippines a complete list of all sea stores
28 then on board. If the vessel does not carry cargo or passengers, the manifest

1 must show that no cargo or passenger is carried from the port of departure to the
2 port of destination in the Philippines.

3 A true and complete copy of the cargo manifest shall be electronically sent
4 in advance by the shipping company, NVOCC, freight forwarder, cargo
5 consolidator, or their agents within the cut-off period as may be determined by
6 the Bureau before the arrival of the carrying vessel at the port of entry. Upon
7 arrival of the carrying vessel, the shipping company, NVOCC, freight forwarder,
8 cargo consolidator, or their agents shall provide two (2) hard copies of the cargo
9 manifest to the Bureau in case the port of entry is either the Port of Manila (PoM)
10 or the Manila International Container Port (MICP), and one (1) copy only in the
11 case of the other ports of entry.

12 A cargo manifest shall in no case be changed or altered after entry of
13 vessel, except by means of an amendment, under oath, by the master,
14 consignee or agent thereof, which shall be attached to the original manifest:
15 *Provided*, That after the invoice and/or entry covering an importation has been
16 received and recorded in the office of the appraiser, no amendment of the
17 manifest shall be allowed, except when it is obvious that a clerical error or any
18 other discrepancy has been committed in the preparation of the manifest, without
19 any fraudulent intent, the discovery of which would not have been made until
20 after examination of the importation has been completed.

21 **SEC. 1205. *Translation of Manifest.*** – The cargo manifest and each
22 copy thereof shall be accompanied by a translation in English, if originally written
23 in another language.

24 **SEC. 1206. *Manifests for the Commission on Audit and District***
25 ***Officer.*** – Upon arrival of a vessel from a foreign port, the Bureau shall provide
26 electronic copies of the manifest to the Chairperson of the COA. The master
27 shall immediately present to the District Officer the original copy of the cargo
28 manifest properly endorsed by the boarding officer, and for inspection, the ship's

1 register, or other documents in lieu thereof, together with the clearance and other
2 papers granted to the vessel at the port of departure for the Philippines.

3 **SEC. 1207. *Production of Philippine Crew.*** – The master of a
4 Philippine vessel returning from abroad shall produce the entire crew listed in the
5 vessel's shipping crew manifest. If any member is missing, the master shall
6 produce proof satisfactory to the District Officer that the member has died, or
7 absconded, has been forcibly impressed into another service, or has been
8 discharged. In case of discharge in a foreign country, the master shall produce a
9 certificate from the consul, vice consul, or consular agent of the Philippines there
10 residing, showing that such discharge was effected with the consent of the
11 aforesaid representative of the Philippines.

12 **SEC. 1208. *Record of Arrival and Entry of Vessels and Aircraft.*** – A
13 record shall be made and kept open to public inspection in every Customs
14 District of the date of arrival and entry of all vessels and aircraft.

15 **SEC. 1209. *Arrest of Vessel or Aircraft Departing Before Entry***
16 ***Made.*** – When a vessel or aircraft arriving within the limits of a Customs District
17 from a foreign port departs or attempts to depart before entry shall have been
18 made, not being thereunto compelled by stress of weather, duress of enemies, or
19 other necessity, the District Officer of the port may cause the arrest and bring
20 back such vessel or aircraft to the most convenient port with assistance of other
21 concerned agencies.

22 **SEC. 1210. *Discharge of Ballast.*** – When not brought to port as
23 goods, ballast of no commercial value may be discharged upon permit granted
24 by the District Officer for the purpose.

25 **SEC. 1211. *Time of Unloading Cargo.*** – Unloading of cargo from a
26 vessel or aircraft from a foreign port during official nonworking hours shall be
27 allowed subject to payment of service fees by shipping lines, airlines, or other
28 interested parties at rates prescribed by the Commissioner.

1 **SEC. 1212. *Entrance of Vessel through Necessity.*** – When a vessel
2 from a foreign port is compelled, by stress of weather or other necessity to put
3 into any other port than that of its destination, the master within twenty-four (24)
4 hours after its arrival, shall make a protest under oath setting forth the causes or
5 circumstances of such necessity. This protest, if not made before the District
6 Officer, must be produced and lodged with the District Officer.

7 Within the same time, the master shall make a report to the District Officer
8 if any part of the cargo was unloaded from necessity or lost by casualty before
9 arrival, and produce sufficient proof to the District Officer of such necessity or
10 casualty before the latter who shall give the approval thereto and the unloading
11 shall be deemed to have been lawfully effected.

12 **SEC. 1213. *Unloading of Vessel in Port from Necessity.*** – If a
13 situation arises where the unloading of the vessel is required pending sojourn in
14 port, the District Officer shall, upon sufficient proof of the necessity, grant a
15 permit therefore, and the goods shall be unloaded and stored under the
16 supervision of customs officers.

17 At the request of the master of the vessel or the owner thereof, the District
18 Officer may grant permission to enter the port and pay duties, taxes, and other
19 charges on, and dispose of, such part of the cargo as may be perishable in
20 nature or as may be necessary to defray the expenses attending the vessel.

21 Upon departure, the cargo, or a part thereof, may be reloaded on board
22 the vessel, and the vessel may proceed with the same to its destination, subject
23 only to the charge for storing and safekeeping of the goods and the fees for
24 entrance and clearance. No port charges shall be collected on vessels entering
25 through stress of weather, duress or other urgent necessities.

26 **SEC. 1214. *Entry and Clearance of Vessels of a Foreign***
27 ***Government.*** – The entry and clearance of transport or supply ship of a foreign
28 government shall be in accordance with the agreement by and between the
29 Philippines and the foreign government.

1 **SEC. 1215. Clearance of Vessel for Foreign Port.** – Before a
2 clearance shall be granted to any vessel bound to a foreign port, the master or
3 the agent thereof shall present to the District Officer the following properly
4 authenticated documents:

5 (a) a bill of health from the quarantine officer or officer of the public health
6 service in the port;

7 (b) three (3) copies of the manifest of export cargo, one of which, upon
8 certification by the customs officer as to the correctness of the copy, shall be
9 returned to the master;

10 (c) two (2) copies of the passengers list, showing alien and other
11 passengers;

12 (d) the register and shipping goods, if the vessel is of Philippine registry;

13 (e) clearance issued by the last port of entry; and

14 (f) a certificate from the Philippine Postal Corporation to the effect that it
15 received timely notice of the sailing of the vessel: *Provided*, That the District
16 Officer shall not permit any vessel to sail for a foreign port if the master or agent
17 thereof refuses to receive bags of mail delivered to the same by the Philippine
18 Postal Corporation for transport upon reasonable compensation. In case the
19 Postmaster General and the master or agent do not come to an agreement
20 concerning the amount of the compensation to be paid for the carriage of the
21 mail, the matter shall be submitted for decision to a Board of Referees to be
22 composed of three (3) members appointed, respectively, by the Philippine Postal
23 Corporation, the agency of the company to which the vessel concerned belongs,
24 and the Bureau, who shall fix a reasonable rate of compensation.

25 **SEC. 1216. Detention of Warlike Vessel Containing Arms and**
26 **Munitions.** – District Officers shall report to the proper authorities or detain any
27 vessel of commercial registry manifestly built for warlike purposes and about to
28 depart from the Philippines with a cargo consisting principally of arms and
29 munitions of war, when the number of men shipped on board or other

1 circumstances render it probable that such vessel is intended to be employed by
2 the owner or owners to cruise or commit hostilities upon the subjects, citizens, or
3 property of any foreign principality or state, or of any colony, District, or people
4 with whom the Philippines is at peace, until the decision of the President of the
5 Philippines is rendered thereon, or until the owner or owners shall give a
6 security, in double the value of the vessel and cargo, that it will not be so
7 employed, if in the discretion of the District Officer such security will prevent the
8 violation of the provisions of this Section.

9 **SEC. 1217. *Oath of Master of Departing Vessel.*** – The master of a
10 departing vessel shall state under oath that:

11 (a) All cargoes conveyed on the vessel, destined for the Philippines, have
12 been duly discharged or accounted for;

13 (b) A true copy of the outgoing cargo manifest has been furnished to the
14 Bureau;

15 (c) No letters or packets, not enclosed in properly stamped envelope
16 sufficient to cover postage, have been received or will be conveyed, except those
17 relating to the vessel; and that all mails placed on board the vessel before its last
18 clearance from the Philippines have been delivered at the proper foreign port;
19 and

20 (d) If clearing without passenger, the vessel will not carry upon the
21 instant voyage, from the Philippine port, any passenger of any class, or other
22 person not entered upon the ship's declaration.

23 **SEC. 1218. *Extension of Time for Clearance.*** –At the time of
24 clearance, the master of a departing vessel shall be required to indicate the time
25 of intended departure, and if the vessel should remain in port forty-eight (48)
26 hours after the time indicated, the master shall report to the District Officer for an
27 extension of time of departure, and without such extension the original clearance
28 shall be nullified.

1 **SEC. 1219. *Advance Notice of Aircraft Arrival.*** – (a) Nonscheduled
2 Arrivals. – Before an aircraft comes into any area in the Philippines from any
3 place outside thereof, a timely notice of the intended flight shall be furnished to
4 the District Officer or other customs officer-in-charge at or nearest the intended
5 place of first landing, and to the quarantine and immigration officers-in-charge at
6 or nearest such place of landing. If dependable facilities for giving notice are not
7 available before departure, the use of any radio equipment shall be appropriate
8 as long as it will result in the giving of adequate and timely notice of the aircraft's
9 approach, otherwise landing shall be made at a place equipped with navigational
10 facilities. If, upon landing in any area, the government officers have not arrived,
11 the pilot-in-command shall hold the aircraft and any baggage and goods
12 thereon intact and keep the passengers and crew members in a segregated
13 place until the inspecting officers arrive.

14 (b) Scheduled Arrivals. – Such advance notice will not be required in
15 the case of an airline arriving in accordance with the regular schedule filed with
16 the District Officer for the Customs District in which the place of first landing area
17 is situated, and also with the quarantine and immigration officers in charge of
18 such place.

19 **SEC. 1220. *Landing at International Airport of Entry.*** – Except in
20 case of emergency or forced landings, aircraft arriving in the Philippines from any
21 foreign port or place shall make the first landing at an international airport of
22 entry, unless permission to land elsewhere other than at an international airport
23 of entry is first obtained from the Commissioner. In such cases, the owner,
24 operator, or person in charge of the aircraft shall pay the expenses incurred in
25 inspecting the aircraft, goods, passengers, and baggage carried thereon, and
26 such aircraft shall be subject to the authority of the District Officer at the airport
27 while within its jurisdiction.

28 Should an emergency or forced landing be made by an aircraft coming
29 into the Philippines at a place outside the jurisdiction of the latter, the pilot-in-

1 command shall not allow goods, baggage, passenger, or crew member to be
2 removed or to depart from the landing place without permission of a customs
3 officer, unless such removal or departure is necessary for purposes of safety,
4 communication with customs officers, or preservation of life, health, or property.
5 As soon as practicable, the pilot-in-command, or a member of the crew-in-
6 charge, or the owner of the aircraft, shall communicate with the customs officer
7 at the intended place of first landing or at the nearest international airport or other
8 customs port of entry in the area and make a full report of the circumstances of
9 the flight and of the emergency or forced landing.

10 **SEC. 1221. *Report of Arrival and Entry of Aircraft.*** – The pilot-in-
11 command of any aircraft arriving from a foreign port or place shall immediately
12 report its arrival to the District Officer at the airport of entry or to the customs
13 officer detailed to meet the aircraft at the place of first landing. Upon arrival, such
14 aircraft shall be boarded by a quarantine officer, and after pratique or health
15 clearance is granted, shall be boarded by a customs officer; subsequently no
16 person shall be permitted to board or leave the aircraft without the permission of
17 the customs officer. The pilot-in-command or any other authorized agent of the
18 owner or operator of the aircraft shall make the necessary entry. No such aircraft
19 shall, without previous permission from the District Officer, depart from the place
20 of first landing or discharge goods, passengers, or baggage.

21 **SEC. 1222. *Documents Required in Making Entry for Aircraft.*** – (a)
22 For the purpose of making entry, there shall be presented to the boarding
23 customs officer four (4) copies of a general declaration which shall contain the
24 following data, unless any of such data is otherwise presented on a separate
25 official form:

- 26 (1) Name of owner or operator of aircraft, registration marks and
27 nationality of aircraft, and flight number of identification;
28 (2) Points of clearance and entry, and date of arrival;
29 (3) Health and customs clearance at the last airport of departure;

1 (4) Itinerary of aircraft, including information as to airport of origin and
2 departure dates;

3 (5) Names and nationality of crew members;

4 (6) Passengers manifest showing places of embarkation and destination;

5 (7) Cargo manifest showing information as to airway bill number, the
6 number of packages related to each airway bill number, nature of goods,
7 destination, and gross weight, together with a copy of each airway bill securely
8 attached thereto;

9 (8) Store list; and

10 (9) And such other documents as may be required by the Bureau.

11 (b) The general declaration shall be written in English and duly signed by
12 the pilot-in-command or operator of the aircraft, or the authorized agent. The
13 section on Health, however, shall be signed only by the pilot-in-command or
14 when necessary, by a crew member when the general declaration itself has been
15 signed by a non-crew member. If the aircraft does not carry cargoes or
16 passengers, such facts must be shown in the manifest.

17 (c) A cargo manifest shall in no case be changed or altered after entry of
18 the aircraft, except by means of an amendment by the pilot-in-command or
19 authorized agent thereof, under oath, and attached to the original manifest:
20 *Provided*, That after the invoice and/or entry covering an importation have been
21 received and recorded in the office of the appraiser, no amendment shall be
22 allowed except when it is obvious that a clerical error or any other discrepancy
23 has been committed without any fraudulent intent in the preparation of the
24 manifest, the discovery of which could not have been made until after complete
25 examination of the importation.

26 **SEC. 1223. *Manifest for the Commission on Audit(COA) and District***
27 ***Officer.*** – Upon arrival of an aircraft from a foreign port, the Bureau shall provide
28 electronic copies of the manifest to the Chairperson of the COA. The master
29 shall immediately present to the District Officer the original copy of the cargo

1 manifests properly endorsed by the boarding officer, and for inspection, the
2 aircraft's register or other documents in lieu thereof, together with the clearance
3 and other papers granted to the aircraft at the port of departure for the
4 Philippines.

5 **SEC. 1224. Clearance of Aircraft for Foreign Port.** – (a) Any aircraft
6 bound to a foreign port shall, before departure, be granted clearance by the
7 Commissioner at an airport of entry where such aircraft has been authorized to
8 make its landing; and

9 (b) Before clearance shall be granted to an aircraft bound to a foreign
10 port, there shall be presented to the District Officer or to the customs officer
11 detailed at the place of departure four (4) copies of a general declaration signed
12 by the pilot-in-command or authorized agent of an aircraft which shall contain the
13 following data:

- 14 (1) name of owner or operator of aircraft, registration marks and
15 nationality of aircraft, and flight number of identification;
- 16 (2) port of clearance, data thereof and destination;
- 17 (3) health and customs clearance;
- 18 (4) itinerary of aircraft, including information as to airport of destination
19 and departure date;
- 20 (5) names and nationality of crew members;
- 21 (6) passengers manifest showing places of destination;
- 22 (7) export cargo manifest showing information as to airway bill number,
23 the number of packages related to each airway bill number, nature of
24 goods, destination, and gross weight, together with a copy of each
25 airway bill securely attached thereto; and
- 26 (8) store list showing stores loaded.

27 **SEC. 1225. Oath of Person in Charge of Departing Aircraft.** – The
28 pilot-in-command or authorized agent of such departing aircraft shall also state
29 under oath to the effect that:

1 (a) all cargoes conveyed on the aircraft destined to the Philippines have
2 been duly discharged and accounted for; and

3 (b) the aircraft has not received nor will convey any letter or packet not
4 enclosed in properly stamped envelope sufficient to cover postage, except those
5 relating to the cargo of the aircraft, and that there was delivery to the proper
6 foreign port of all mails placed on board said aircraft before clearance from the
7 Philippines.

8 If an aircraft is cleared to depart without passengers, the aircraft shall not
9 carry any passenger thereon.

10 A record shall be made and kept open to public inspection in every
11 customs office at an airport of entry of the dates of arrival and entry of all aircraft.

12 CHAPTER 3

13 OTHER THIRD PARTIES

14 **SEC. 1226. *Supervision and Regulation of Third Parties.*** – Third
15 parties transacting with the Bureau in behalf of importers and consignees shall
16 be treated equally as true importers or consignees.

17 Third parties transacting with the Bureau shall be liable for acts committed
18 in violation of this Act and related laws.

19 Upon the recommendation of the Commissioner, the Secretary of Finance
20 shall issue rules and regulations to govern and regulate the conduct of all third
21 parties dealing directly with the Bureau in relation to the importation, exportation,
22 movement, storage and clearance of goods for and in behalf of another person.
23 The rules and regulations shall provide for specific conditions when third parties
24 may or may not directly transact with customs and shall provide a written notice
25 in case such third parties are, for valid reasons, barred from transacting with the
26 Bureau. For purposes of this Section, third parties refer to logistics providers,
27 importers, exporters, carriers, airlines, shipping lines, shipping agents,
28 forwarders, consolidators, port and terminal operators, and warehouse operators.

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CHAPTER 4

AUTHORIZED ECONOMIC OPERATORS (AEO)

SEC. 1227. *Treatment of AEOs.* – The Bureau shall promulgate the necessary procedures and requirements for the compliance of authorized economic operators (AEOs). For AEOs who have displayed diligence in complying with the rules and the submission of official customs requirements, and have satisfactorily managed their commercial records, the Bureau shall extend the following incentives:

(a) release of the goods upon provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final goods declaration;

(b) grant of clearance of the goods at the declarant's premises or another place authorized by the Bureau; and

(c) other special procedures such as:

(i) allowing a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person;

(ii) use of commercial records to self-assess their duty and tax liability and, where appropriate, to ensure compliance with other customs requirements; and

(iii) allowing the lodgement of goods declaration by means of an entry in the records by the authorized person to be supported subsequently by a supplementary goods declaration.

SEC. 1228. *Trade Facility For AEO.* – The Secretary of Finance shall, upon the recommendation of the Commissioner, issue the necessary rules:

(a) To supervise and regulate the conduct and operations of the AEOs, consistent with international best practices, the World Customs Organization (WCO) framework of standards to secure and facilitate global trade, and other international conventions and agreements; and

1 (b) To develop trade facilitation programs for AEOs and other authorized
2 persons consistent with international best practices and international conventions
3 and agreements.

4 TITLE XIII

5 CUSTOMS FEES AND CHARGES

6 **SEC. 1300. *Customs Dues, Fees and Charges.*** – For services
7 rendered and documents issued by the Bureau, dues, fees, and charges shall be
8 collected as may be provided under existing regulations issued by the Secretary
9 of Finance, upon the recommendation of the Commissioner.

10 **SEC. 1301. *General Provision on the Authority to Increase or***
11 ***Decrease Dues, Fees and Charges.*** –The Secretary of Finance may, upon the
12 recommendation of the Commissioner, increase or decrease the dues, fees, and
13 charges collectible by the Bureau to protect the interest of the government.

14 TITLE XIV

15 OFFENSES AND PENALTIES

16 CHAPTER 1

17 CRIMES AND OTHER OFFENSES

18 **SEC. 1400. *Misdeclaration, Misclassification, Undervaluation in***
19 ***Goods Declaration.*** – Misdeclaration as to quantity, quality, description, weight,
20 or measurement of the goods, or misclassification through insufficient or wrong
21 description of the goods or used of wrong tariff heading resulting in a
22 discrepancy in duty and tax to be paid between what is legally determined upon
23 assessment and what is declared, shall be subject to a surcharge equivalent to
24 two hundred fifty percent (250%) of the duty and tax due. No surcharge shall be
25 imposed when the discrepancy in duty is less than ten percent (10%), or when
26 the declared tariff heading is rejected in a formal customs dispute settlement
27 process involving difficult or highly technical question of tariff classification, or
28 when the tariff classification declaration relied on an official government ruling.

1 There is undervaluation when (a) the declared value fails to disclose in full
2 the price actually paid or payable or any dutiable adjustment to the price actually
3 paid or payable; or (b) when an incorrect valuation method is used or the
4 valuation rules are not properly observed, resulting in a discrepancy in duty and
5 tax to be paid between what is legally determined as the correct value against
6 the declared value. When the undervaluation is established without need to go
7 through the formal dispute settlement process provided for in this Act, a
8 surcharge shall be imposed equivalent to two hundred fifty percent (250%) of the
9 duty and tax due. No surcharge shall be imposed when the discrepancy in duty
10 is less than ten percent (10%), or the declared value is rejected as a result of an
11 official ruling or decision under the customs dispute settlement process involving
12 difficult or highly technical question relating to the application of customs
13 valuation rules.

14 A discrepancy in duty and tax to be paid between what is legally
15 determined and what is declared amounting to more than thirty percent (30%)
16 shall constitute a probable cause for issuance of a warrant of seizure and
17 distraint.

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

26 **SEC. 1401. *Unlawful Importation or Exportation.*** – Any person who
27 shall fraudulently import or export or bring into or outside of the Philippines any
28 goods, or assist in so doing, contrary to law, or shall receive, conceal, buy, sell,
29 or in any manner facilitate the transportation, concealment, or sale of such goods

1 after importation, or shall commit technical smuggling as defined in this Act shall
2 be penalized by:

3 a. imprisonment of not less than thirty (30) days and one (1) day but not
4 more than six (6) months or a fine of not less than Twenty five thousand pesos
5 (P25,000.00) but not more than Seventy five thousand pesos (P75,000.00), or
6 both, if the value to be determined in the manner prescribed under this Act,
7 including duties and taxes, of the goods unlawfully imported does not exceed
8 Two hundred fifty thousand pesos (P250,000.00);

9 b. imprisonment of not less than six (6) months and one (1) day but not
10 more than one (1) year, or a fine of not less than Seventy five thousand pesos
11 (P75,000.00) but not more than One hundred fifty thousand pesos
12 (P150,000.00), or both, if the value of the goods unlawfully imported, to be
13 determined in the manner prescribed under this Act, including duties and taxes,
14 exceeds Two hundred fifty thousand pesos (P250,000.00) but not more than Five
15 hundred thousand pesos (P500,000.00);

16 c. imprisonment of not less than one (1) year and one (1) day but not
17 more than three (3) years, or a fine of not less than One hundred fifty thousand
18 pesos (P150,000.00) but not more than Three hundred thousand pesos
19 (P300,000.00), or both, if the appraised value of the goods unlawfully imported,
20 to be determined in the manner prescribed under this Act, including duties and
21 taxes, exceeds Five hundred thousand pesos (P500,000.00) but not more than
22 One million pesos (P1,000,000.00);

23 d. imprisonment of not less than three (3) years and one (1) day but not
24 more than six (6) years, or a fine of not less than Three hundred thousand pesos
25 (P300,000.00) but not more than One million five hundred thousand pesos
26 (P1,500,000.00), or both, if the appraised value of the goods unlawfully imported,
27 to be determined in the manner prescribed under this Act, including duties and
28 taxes, exceeds One million pesos (P1,000,000.00) but not more than Five million
29 pesos (P5,000,000.00);

1 e. imprisonment of not less than six (6) years and one (1) day but not
2 more than twelve (12) years, or a fine of not less than One million five hundred
3 thousand pesos (P1,500,000.00) but not more than Fifteen million pesos
4 (P15,000,000.00), or both, if the appraised value of the goods unlawfully
5 imported, to be determined in the manner prescribed under this Act, including
6 duties and taxes, exceeds Five million pesos (P5,000,000.00) but not more than
7 Fifty million pesos (P50,000,000.00);

8 f. imprisonment of not less than twelve (12) years and one (1) day but not
9 more than twenty (20) years, or a fine of not less than Fifteen million pesos
10 (P15,000,000.00) but not more than Fifty million pesos (P50,000,000.00), or
11 both, if the appraised value of the goods unlawfully imported, to be determined
12 in the manner prescribed under this Act, including duties and taxes, exceeds Fifty
13 million pesos (P50,000,000.00) but not more than Two hundred million pesos
14 (P200,000,000.00).

15 g. If the appraised value of the goods unlawfully imported to be
16 determined in the manner prescribed under this Act, including duties and taxes,
17 exceeds Two hundred million pesos (P200,000,000.00) or if the aggregate
18 amount of the appraised values of goods which are the subject of unlawful
19 importation committed in more than one instance, including duties and taxes,
20 exceeds Two hundred million pesos (P200,000,000.00), the same shall be
21 deemed as a heinous crime and shall be punishable with a penalty of reclusion
22 perpetua and a fine of not less than Fifty million pesos (P50,000,000.00); and

23 h. The penalty of *prision mayor* shall be imposed when the crime of
24 serious physical injuries shall have been committed, and the penalty of reclusion
25 perpetua shall be imposed when the crime of homicide shall have been
26 committed by reason or on the occasion of the unlawful importation.

27 In applying the above scale of penalties, an offender who is an alien shall
28 be deported without further proceedings after serving the sentence. If the
29 offender is a public officer or employee, the penalty which is the next higher in

1 degree shall be imposed in addition to the penalty of perpetual disqualification
2 from public office, and disqualification to vote and to participate in any public
3 election. If the offender fails to pay the fine, subsidiary imprisonment shall be
4 served.

5 When, upon trial for violation of this Section, the defendant is shown to
6 have had possession of the goods in question, possession shall be deemed
7 sufficient evidence to authorize conviction unless the defendant shall explain the
8 possession to the satisfaction of the court: *Provided*, That each act of unlawful
9 importation or exportation shall be deemed as a separate offense: *Provided*,
10 however, That payment of the tax due after apprehension shall not constitute a
11 valid defense in any prosecution under this Section: *Provided*, further, That
12 outright smuggling shall also be punishable under this Section: *Provided*, finally,
13 That the rights and privileges provided in this Act for the importers, consignees,
14 exporters, service providers, third parties and other third parties who committed
15 this offense shall be revoked.

16 **SEC. 1402. Failure or Refusal of Party to Give Evidence or Submit**
17 **Documents for Assessment.** – When the owner, importer or consignee of any
18 imported goods, or the agent of either, fails or refuses, upon lawful demand in
19 writing by any customs officer to appear, lawfully depose, or submit to
20 examination or to answer any material question or refuses to produce records,
21 accounts or invoices in possession pertaining to the value, classification or
22 disposition of the goods in question and deemed material in assessing the same,
23 the District Officer shall assess a surcharge of twenty percent (20%) on the
24 dutiable value of the goods which is the subject of the importation.

25 **SEC. 1403. Other Fraudulent Practices Against Customs Revenue.**
26 – Any person who makes or attempts to make any entry of imported or exported
27 goods by means of any false or fraudulent statement, document or practice or
28 knowingly and willfully files any false or fraudulent claim for payment of drawback

1 or refund of duties shall, for each act, be punished in accordance with the
2 penalties prescribed in Section 1401.

3 **SEC. 1404. *Failure to Declare Baggage.*** – Whenever dutiable goods
4 are not declared by any person arriving within the Philippines, such goods shall
5 be seized and the person may obtain release of such goods, if not imported
6 contrary to any law upon payment of a surcharge equivalent to thirty percent
7 (30%) of the landed cost of such goods, in addition to all duties, taxes and other
8 charges due. Nothing in this Section shall preclude the filing of criminal action
9 against the offender.

10 **SEC. 1405. *Vessel, Seacraft, or Aircraft Departing Before***
11 ***Undergoing Customs Formalities.*** – Any vessel, seacraft, or aircraft arriving
12 within the limits of a Customs District from a foreign port which departs before
13 undergoing customs formalities, without being compelled to do so by stress of
14 weather, pursuit or duress of enemies, or other necessity, shall be liable for a
15 fine of not less than One hundred thousand pesos (P100,000.00) but not more
16 than Three hundred thousand pesos (P300,000.00).

17 **SEC. 1406. *Obstruction to Boarding Officer.*** – If the master or pilot-
18 in-command or any member of the complement of any vessel or aircraft arriving
19 at the Philippine port obstructs or hinders any officer from lawfully going on board
20 such vessel or aircraft for the purpose of enforcing this Act, or intentionally
21 causes any officer to be so obstructed or hindered, the vessel or aircraft shall be
22 liable to a fine of not less than One hundred thousand pesos (P100,000.00) but
23 not more than Three hundred thousand pesos (P300,000.00).

24 **SEC. 1407. *Unlawful Boarding or Leaving of Vessel or Aircraft.*** – If
25 upon arrival at the Philippine port, any master of a vessel or pilot-in-command of
26 an aircraft engaged in a foreign trade permits any person to board or leave the
27 vessel or aircraft without the permission of the customs officer-in-charge, the
28 owner or operator of such vessel or aircraft shall be liable for a fine of not less

1 than One hundred thousand pesos (P100,000.00) but not more than Three
2 hundred thousand pesos (P300,000.00).

3 **SEC. 1408. *Unloading of Cargo Before Arrival at Port of Entry.*** – If,
4 upon the arrival within the limits of any Customs District of the Philippines of any
5 vessel or aircraft engaged in foreign trade, the master or pilot-in-command
6 thereof permits any part of the cargo to be unloaded before arrival at the port of
7 entry, and without authority from a proper customs officer, the owner, operator,
8 or agent of such vessel or aircraft shall be liable for a fine of not less Five
9 hundred thousand pesos (P500,000.00) but not more than Two Million pesos
10 (P2,000,000.00): *Provided*, That no fine shall accrue upon satisfactory proof to
11 the proper District Officer that the unloading was rendered necessary by stress of
12 weather, accident or other necessity: *Provided*, however, That the fine imposed
13 herein shall be without prejudice to the application of fines or penalties provided
14 under Section 1500 of this Act.

15 **SEC. 1409. *Unloading of Cargo at Improper Time or Place After***
16 ***Arrival.*** – The owner or operator of any vessel or aircraft from which cargo is
17 discharged upon arrival in the Philippines at a time or place other than that
18 designated by the District Officer, shall be fined not less One hundred thousand
19 pesos (P100,000.00) but not more than Three hundred thousand pesos
20 (P300,000.00): *Provided*, That no fine shall accrue upon satisfactory proof to the
21 proper District Officer that the unloading was rendered necessary by stress of
22 weather, accident or other necessity.

23 **SEC. 1410. *Failure to Exhibit or Deposit Documents.*** – When the
24 master of a vessel or pilot-in-command of an aircraft engaged in foreign trade
25 fails to submit to the District Officer at the time of entry of the vessel or aircraft
26 the register or other documents in lieu thereof, together with the clearance and
27 other documents granted by the customs officers to the vessel or aircraft at the
28 last foreign port of departure, or fails to exhibit any certificate or other documents
29 required to be then exhibited, the owner or operator of such vessel or aircraft

1 shall be liable for a fine of not less than One hundred thousand pesos
2 (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00).

3 **SEC. 1411. *Bringing of Unmanifested Arms, Explosives or War***
4 ***Equipment.*** – The owner, operator, or agent of a vessel or aircraft arriving at a
5 port in the Philippines bearing cargo consisting of firearms, gunpowder,
6 cartridges, dynamite or any other explosives, munitions or equipment of war not
7 contained in the manifest of the vessel or aircraft, or which are concealed on
8 board, shall be fined not less than Five hundred thousand pesos (P500,000.00)
9 but not more than One Million pesos (P1,000,000.00).

10 **SEC. 1412. *Failure to Supply Advance and Requisite Manifests.*** –
11 The failure to transmit the electronic manifest within the time as may be
12 prescribed by the Bureau prior to arrival of the carrying vessel or aircraft at the
13 port of entry shall make the owner, operator, or agent of the vessel or aircraft be
14 liable for a fine of not less than One hundred thousand pesos (P100,000.00) but
15 not more than Three hundred thousand pesos (P300,000.00).

16 If the transit time from port of origin to port of entry is at least seventy-two
17 (72) hours, the shipping or forwarding agent of the carrier or the vessel who fails
18 to submit the manifest at least twenty-four (24) hours before entry shall likewise
19 be liable for a fine of not less than One hundred thousand pesos (P100,000.00)
20 but not more than Three hundred thousand pesos (P300,000.00).

21 **SEC. 1413. *Disappearance of Manifested Goods.*** – When any
22 package or goods mentioned in the manifest meant to be unloaded at the port of
23 destination is not unloaded upon the arrival of the vessel or aircraft, its agent
24 shall be liable for a fine of not less than One hundred Thousand Pesos
25 (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00)
26 unless the disappearance of the package or the goods in question was not due
27 to the negligence of the master of the vessel or pilot-in-command of an aircraft
28 and is explained to the satisfaction of the District Officer.

1 The owner, operator, or agent of a vessel or aircraft shall be liable for the
2 payment of the same fine when a package or goods listed in the manifest does
3 not tally materially in character or otherwise with the description thereof in the
4 manifest.

5 **SEC. 1414. *Discrepancy between Actual and Declared Weight of***
6 ***Manifested Goods.*** – If the gross weight of goods or package described in the
7 manifest or bill of lading exceeds the declared weight by more than ten percent
8 (10%), and such discrepancy was due to the negligence of the master or pilot-in-
9 command, the owner or employee of the vessel or aircraft shall be liable to for a
10 fine of not more than twenty percent (20%) of the value of the package or goods
11 in respect to which the deficiency exists, may be imposed upon the owner,
12 operator or agent of the importing vessel or aircraft.

13 **SEC. 1415. *Discrepancy with the Master's or Pilot's-in-Command***
14 ***Report.*** – When a vessel or aircraft arriving from a foreign port is compelled by
15 necessity to unload in another port other than the port of entry and permission is
16 granted by the District Officer for the unloading of the vessel or aircraft or the
17 delivery of any part of the cargo and it shall be found that there is discrepancy
18 between the cargo unloaded and the report of the master or the pilot-in-
19 command and such discrepancy is not satisfactorily explained, the owner,
20 operator or agent of the vessel or aircraft shall be liable for a fine of not less than
21 One hundred thousand pesos (P100,000.00) but not less than Three hundred
22 thousand pesos (P300,000.00).

23 **SEC. 1416. *Failure to Report Fraud.*** – A master, pilot-in-command or
24 other officer, owner or agent of any vessel or aircraft trading with or within the
25 Philippines who has knowledge of the commission of fraud that shall result in the
26 loss or diminution of customs revenue but fails to report all information relative
27 thereto to the District Officer shall be penalized with imprisonment of not less six
28 (6) months and one (1) day but not more than one (1) year and shall be liable for
29 a fine of not less than One hundred thousand pesos (P100,000.00) but not more

1 than Three hundred thousand pesos (P300,000.00). If the offender is a
2 foreigner, the offender shall be deported after serving the sentence. If the
3 offender is a public officer or employee, the offender shall suffer additional
4 penalty of perpetual disqualification to hold public office, to vote and to
5 participate in any election. All the benefits due from service in the government,
6 including the separation and retirement benefits, shall be forfeited.

7 **SEC. 1417. *False Statement of Vessel's or Aircraft's Destination.*** –

8 When the master or pilot-in-command of a vessel or aircraft loaded with goods
9 shall make a false statement as to the next destination of such vessel or aircraft
10 when that information is required by a customs officer, the owner or operator of
11 such vessel or aircraft shall be liable for a fine of not less than One hundred
12 thousand pesos (P100,000.00) but not more than Three hundred thousand
13 pesos (P300,000.00). The arrival of a vessel or aircraft at a different port other
14 than the one it had been originally authorized and cleared for without having
15 been impelled to do so by necessity, shall be *prima facie* proof that the original
16 statement of the actual destination of the vessel or aircraft was false.

17 **SEC. 1418. *Affixing Seals.*** – Any person who, without authority affixes
18 or attaches a customs seal, fastening, or any mark, or fastening purporting to be
19 a customs seal, to any vessel, aircraft, vehicle, warehouse, or package, shall be
20 penalized with imprisonment of not less than six (6) months and one (1) day but
21 not more than one (1) year, and shall be liable for a fine of not less than One
22 hundred thousand pesos (P100,000.00) but not more than Three hundred
23 thousand pesos (P300,000.00). If the offender is an alien, the offender shall be
24 deported after serving the sentence. If the offender is a public officer or
25 employee, the offender shall suffer an additional penalty of perpetual
26 disqualification to hold public office and disqualification from exercising the right
27 to vote and to participate in any election.

28 **SEC. 1419. *Breaking of Seal Placed by Customs Officers.*** – If any
29 seal placed by a customs officer upon any vessel or aircraft or compartment

1 thereof, or upon any box, trunk or other package of goods on board is broken,
2 the owner, operator, or agent of the vessel or aircraft shall be liable for a fine of
3 not less than One hundred thousand pesos (P100,000.00) but not more than
4 Three hundred thousand pesos (P300,000.00) for each broken or destroyed
5 seal.

6 **SEC. 1420. *Breaking of Lock or Fastening Placed by Customs***
7 ***Officers.*** – If any lock or other fastening device placed by a customs officer
8 upon any hatch door, or other means of communication in the hold of a vessel or
9 aircraft, or other part thereof for the security of the same during the night time, is
10 unlawfully opened, broken or removed, or if any of the goods contained in the
11 hold or in the other compartments so secured is clandestinely abstracted and
12 landed, the owner, operator, or agent of the vessel or aircraft shall be liable for a
13 fine of not less than One hundred thousand pesos (P100,000.00) but not more
14 than Three hundred thousand pesos (P300,000.00).

15 **SEC. 1421. *Removal, Breakage, and Alteration of Marks.*** – Any
16 person who without authority, willfully removes, breaks, injures, or defaces or
17 alters any customs seal or other fastening or mark placed upon any vessel,
18 vehicles, on land, sea or air, warehouse or package containing merchandise or
19 baggage in bond or in customs custody, shall be punished with the penalty
20 prescribed in Section 1420 hereof.

21 **SEC. 1422. *Unauthorized Withdrawal of Imported Goods from***
22 ***Bonded Warehouse.*** – Any person who causes the unauthorized withdrawal of
23 imported goods stored from a CBW shall be liable for payment of a surcharge of
24 fifty percent (50%) of duties, taxes, customs fees, and charges, found to be due
25 and unpaid. The amount of surcharge shall be added to the duties, taxes, and
26 charges dues on the goods withdrawn. If the delinquency lasts for more than
27 one (1) year, the surcharge shall be increased by twenty-five percent (25%) of
28 the unpaid duties and taxes annually: *Provided, That,* where the withdrawal is
29 attended with fraud, such as when a fake or altered withdrawal permit is

1 submitted, the warehouse operator shall be held liable under the pertinent
2 provisions of this Act, without prejudice to the suspension or revocation of the
3 warehousing privileges granted by the Bureau pursuant to this Act.

4 **SEC. 1423. *Removing or Repacking Goods in Warehouse.*** – Any
5 person who fraudulently conceals, removes, or repacks merchandise in any
6 warehouse or fraudulently alters, defaces, or obliterates any mark or numbers
7 placed upon packages deposited in such warehouse, or shall aid or abet any
8 such acts, shall be punished with the penalties prescribed in Section 1418 hereof.

9 Merchandise so concealed, removed, or repacked, or packages upon
10 which marks, numbers or the values thereof have been so altered, defaced, or
11 obliterated shall be forfeited in favor of the government.

12 **SEC. 1424. *Removing Goods from Customs Custody.*** – Any person
13 who enters any warehouse, or any vehicle loaded with or containing
14 merchandise with intent to unlawfully remove therefrom any merchandise or
15 baggage in such vessels, vehicle or warehouse or otherwise in customs custody
16 or control, or any person who receives or transports any merchandise or
17 baggage unlawfully removed from any such vessel, vehicle or warehouse, or
18 shall aid or abet such removal, shall suffer the penalties provided in Section 1401
19 hereof.

20 **SEC. 1425. *Failure to Pay Duties, Taxes and Other Charges.*** – For
21 failure to pay the duties, taxes and other charges of an assessment within fifteen
22 (15) days from date of final assessment, a surcharge of ten percent (10%) of the
23 total assessed amount or balance thereon shall be added and collected, which
24 surcharge shall be increased to twenty-five percent (25%) if the delinquency lasts
25 for more than one (1) year.

26 **SEC. 1426. *Breach of Security.*** – Upon breach of security required to
27 be filed under this Act, the District Officer, subject to the approval of the
28 Commissioner, may accept in satisfaction thereof a smaller sum than that
29 mentioned in the penalty clause of the security, but in no case less than the

1 amount necessary to indemnify the government for the damage occasioned by
2 such breach.

3 **SEC. 1427. *Failure to Keep Importation Records and Full Access to***
4 ***Customs Officers.*** –Any person who fails to keep all the records of importations
5 or books of accounts, business and computer systems and all customs
6 commercial data in the manner prescribed in this Act, shall be punished with
7 imprisonment of not less than three (3) years and one (1) day but not more than
8 six (6) years and/or a fine of One million pesos (P1,000,000.00). This penalty
9 shall likewise be imposed against importers and brokers who deny an authorized
10 customs officer full and free access to such records, books of accounts, business
11 and computer systems, and all customs commercial data including payment
12 records, without prejudice to the imposition of the administrative sanctions by the
13 Bureau against contumacious importers, including the authority to hold delivery
14 or release of their imported goods.

15 **SEC. 1428. *Concealment or Destruction of Evidence of Fraud.*** –
16 Any person who willfully conceals or destroys any invoice, book, or document
17 relating to any goods liable to duty after an inspection thereof has been
18 demanded by the District Officer or at any time conceals or destroys any such
19 invoice, book, or document for the purpose of suppressing any evidence of fraud
20 therein contained, shall be penalized with imprisonment of not less than three (3)
21 years and one (1) day but not more than six (6) years and shall be liable for a
22 fine of not less than Three hundred thousand pesos (P300,000.00) but not more
23 than One million pesos (P1,000,000.00).

24 **SEC. 1429. *Other Offenses.*** – The owner or operator of a vessel,
25 aircraft or train shall be liable for a fine for the following acts:

26 (a) for anchoring at any dock, pier, wharf, quay, or bulkhead other than a
27 port of entry, a fine of not less than Five hundred thousand pesos (P500,000.00)
28 but not more than One million pesos (P1,000,000.00) for overseas vessels;

1 (b) for dumping of garbage or slops over the sides of the vessel within
2 three (3) miles from the nearest coastline, a fine of not less than One million
3 pesos (P1,000,000.00) but not more than Ten million pesos (P10,000,000.00);

4 (c) for dumping or causing to spread crude oil, kerosene, or gasoline in
5 the bay or at the piers within three (3) miles from the nearest coastline, a fine of
6 not less than One million pesos (P1,000,000.00) but not more than Ten million
7 pesos (P10,000,000.00) for each offense;

8 (d) for loading gasoline or any other petroleum products at a place other
9 than that designated by the regulations, a fine of not less than Five hundred
10 thousand pesos (P500,000.00) but not more than One million pesos
11 (P1,000,000.00) for each offense;

12 (e) for causing the emission and spread of harmful gas, fumes and
13 chemicals, a fine of not less than One million pesos (P1,000,000.00) but not
14 more than Ten million pesos (P10,000,000.00) for each offense; and

15 (f) for transporting hazardous waste, radioactive waste and other toxic
16 substances as provided under the Basel Convention and Republic Act No. 6969
17 otherwise known as the "Toxic Substances and Hazardous and Nuclear Wastes
18 Control Act of 1990", forfeiture of the vessel in favor of the government.

19 The fines imposed herein shall be without prejudice to the application of
20 fines or penalties provided under special laws and regulations.

21 **SEC. 1430. *Violations of this Act and Rules and Regulations in***
22 ***General.*** – Any person who violates any other provision of this Act or the rules
23 and regulations issued pursuant thereto, shall be penalized with imprisonment of
24 not less than thirty (30) days and one (1) day but not more than one (1) year, or
25 be liable for a fine of not less than One hundred thousand pesos (P100,000.00)
26 but not more than Three hundred thousand pesos (P300,000.00), or both. If the
27 offender is an alien, the offender shall be deported after serving the sentence. If
28 the offender is a public officer or employee, the offender shall be disqualified

1 from holding public office, from exercising the right to vote and to participate in
2 any public election for ten (10) years.

3 CHAPTER 2

4 PENALTIES IMPOSED UPON BUREAU EMPLOYEES

5 **SEC. 1431. *Statutory Offenses of Officers and Employees.*** – Every
6 officer, agent, or employee of the Bureau or of any other agency of the
7 government charged with the enforcement of the provisions of this Act, who shall
8 be found guilty of any delinquency as described below shall be penalized with
9 imprisonment of not less than six (6) years and one (1) day but not more than
10 twelve (12) years, and perpetual disqualification to hold public office, from
11 exercising the right to vote and to participate in any public election and a fine of
12 not less than Five hundred thousand pesos (P500,000.00), but not more than
13 One million pesos (P1,000,000.00):

14 (a) extortion or willful oppression under color of law;

15 (b) knowingly demanding other or greater sums that are authorized by law
16 or receive any fee, compensation, or reward except as by law prescribed, for the
17 performance of any duty;

18 (c) willfully neglecting to give receipts, as required by law, for any sum
19 collected in the performance of duty, or who willfully neglect to perform any of the
20 duties enjoined by law;

21 (d) conspiring or colluding with another or others to defraud the customs
22 revenue or otherwise violate the law;

23 (e) providing an opportunity for any person to defraud the government of
24 customs revenue or failing to do any act with the intent to enable any person to
25 defraud the government of customs revenue;

26 (f) negligently or designedly permitting the violation of the law by any
27 other person;

1 (g) making or signing for any false entry or entries in any book, making or
2 signing any false certificate or return in any case where the law requires the
3 making by them of such entry certificate or return;

4 (h) failing to report knowledge or information to their superior officer about
5 an act or acts of fraud committed in revenue collection as required by law;

6 (i) demanding or accepting or attempting, without authority, to collect
7 directly or indirectly as payment or otherwise, any sum of money or other thing of
8 value for the compromise, adjustment, or settlement of any charge or complaint
9 for any violation or alleged violation of law;

10 (j) unlawfully disclosing confidential information gained during any
11 investigation or audit, or using such information for personal gain or to the
12 detriment of the government, the Bureau, or third parties.

13 All the benefits due from service in the government, including separation
14 and retirement benefits, of an officer, agent, or employee of the Bureau or of any
15 other agency of the government charged with the enforcement of the provisions
16 of this Act found guilty of the foregoing violations shall be forfeited.

17 **SEC. 1432. *Failure to Report Fraud.*** – Any employee of the Bureau
18 who has knowledge of any fraud committed against the government pertaining to
19 customs revenue, and who fails to report all information relative thereto to the
20 District Officer, shall be penalized with imprisonment of not less than six (6)
21 years and one (1) day but not more than twelve (12) years and a fine of not less
22 than Five hundred thousand pesos (P500,000.00) but not more than One million
23 pesos (P1,000,000.00). The offender shall suffer the additional penalty of
24 perpetual disqualification to hold public office, to vote and to participate in any
25 election. All the benefits of the offender due from service in the government,
26 including separation and retirement benefits, shall be forfeited.

27 **SEC. 1433. *Liability for Other Offenses.*** - The fines and penalties
28 imposed in this Chapter shall be without prejudice to the application of fines or
29 penalties provided under Chapter 1 of this Title and special laws and regulations.

1 TITLE XV

2 MISCELLANEOUS PROVISIONS

3 **SEC. 1500. *Information, Decisions, and Rulings.*** –The Bureau shall
4 ensure that all information of general application pertaining to customs, including
5 revisions or amendments thereto, shall be available to the general public.

6 **SEC. 1501. *Period to Issue Ruling.*** — The issuing authority shall act on
7 the application for ruling within thirty (30) days from receipt of the application and
8 supporting documents as may be required by regulation. Within three (3) days
9 from issuance of a ruling, the issuing authority shall notify the requesting party of
10 such ruling.

11 **SEC. 1502. *Publication and Confidentiality of Certain Information in***
12 ***Ruling.*** - The Bureau and the Tariff Commission shall regularly publish its rulings
13 in a manner accessible to the public. For this purpose, each application for ruling
14 shall be assigned a title and unique ruling number for easy reference. The
15 publication shall contain information on the goods involved, the body or gist of
16 the ruling, particularly the grounds relied upon to support the ruling, but shall
17 exclude the name of the requesting party and other information which by their
18 very nature are confidential, including those which the requesting party indicated
19 in its application as confidential in nature. Except in the context of judicial
20 proceedings, any disclosure of confidential information under this section shall
21 not be made except upon the written consent of the beneficiary of the advance
22 ruling.

23 **SEC. 1503. *Duty of District Officer to Report Rulings to the***
24 ***Commissioner.*** – When any new or unsettled question shall be determined by
25 a District Officer, and if the matter is not otherwise appealed for review in the
26 ordinary course, the District Officer shall notify the Commissioner of the decision
27 and submit an adequate statement of the facts involved.

28 **SEC. 1504. *Application of Established Ruling or Decision.*** – A ruling
29 or decision of the Commissioner which determines the construction or application

1 of any provision of law imposing customs duties and taxes, and which changes
2 any existing established valuation, classification, rules of origin and other
3 customs rules, interpretation or practice shall not take effect until thirty (30) days
4 after public notice shall have been given in the form of a published decision.
5 When the ruling or decision favors the taxpayers, it shall become effective
6 immediately.

7 **SEC. 1505. Authority of Official to Administer Oaths and Take**
8 **Testimony.** – The Commissioner, District Officers and their deputies, and other
9 customs employees especially deputized by the District Officer shall have
10 authority to administer oaths and take testimony in connection with any matter
11 within the jurisdiction of the Bureau and, in connection therewith, may require the
12 production of relevant papers, documents, books and records in accordance with
13 law.

14 **SEC. 1506. General Security.** – In cases where securities are required
15 to be given under the provisions of the customs and tariff laws, the District
16 Officer, instead of requiring separate special security where transactions of a
17 particular party are numerous, may accept general security extending over such
18 periods of time and covering such transactions of the party in question as may be
19 satisfactory to the District Officer.

20 **SEC. 1507. Security.** – The Bureau shall prescribe the forms and
21 amount of security required to guarantee the payment of duties and taxes and
22 other obligations provided for in this Act.

23 Any party required to provide security shall have the option to choose from
24 any form of security prescribed by the Bureau. The Bureau may not require
25 security if satisfied that an obligation to the Bureau will be fulfilled, but shall
26 require and accept a general security from declarants who regularly declare
27 goods at different offices in the customs territory under such terms and
28 conditions as may be determined by the Commissioner.

1 The required amount of security shall be the lowest possible and shall not
2 exceed the amount of imposable duties, taxes, and charges.

3 When the obligation under which the security was required has been
4 satisfied, the security shall be discharged immediately.

5 **SEC. 1508. *Customs Service Fees.*** – Customs personnel may be
6 assigned by a District Officer to render overtime work and other customs
7 services and shall be paid for such services by the Bureau according to service
8 fees fixed by the Commissioner and approved by the Secretary of Finance. The
9 Bureau may charge additional customs service fees, when applicable subject to
10 the rates prescribed under existing rules and regulations.

11 **SEC. 1509. *Testimony in Writing.*** – When testimony is taken in any
12 proceeding or matter under the authority of the Bureau, either party may require
13 that the testimony shall be made in writing, and when so taken, the written
14 testimony shall be filed in the Office of the District Officer and to be preserved for
15 use or reference until final decision.

16 **SEC. 1510. *District Officer Not Liable in Respect to Ruling in***
17 ***Customs Cases.*** – Every District Officer or other officials of the Bureau shall not
18 be in any way personally liable on account of any official ruling or decision as to
19 which the person claiming to be aggrieved has the right to obtain either an
20 administrative or judicial review. Except for misdelivery of goods, a District
21 Officer may not, in the absence of abuse of authority, be liable to any person for
22 any loss occasioned either by the official act or the acts of the subordinates.

23 **SEC. 1511. *Interest Prohibited to be Held by Customs Employees.*** –
24 Any person employed under the authority of the government in the assessment
25 of duties, taxes, fees, and other charges in connection with imports or exports,
26 shall not own, either in whole or in part, any vessel or aircraft or act as attorney,
27 agent or consignee for the owner of any vessel or aircraft or of any cargo loaded
28 on board the vessel or aircraft; and shall not import or be involved, directly or
29 indirectly, in the importation of any goods for sale into the Philippines.

1 office, the Chairperson and the Commissioners shall not engage in the practice
2 of any profession, or intervene directly or indirectly in the management or control
3 of any private enterprise which may, in any way, be affected by the functions of
4 their office. They shall not be, directly or indirectly, financially interested in any
5 contract with the government, or any subdivision or instrumentality thereof.

6 **SEC. 1601. *Appointment and Compensation of Officials and***
7 ***Employees.*** –All employees of the Commission shall be appointed by the
8 Chairperson in accordance with the Civil Service Law except as the private
9 secretaries to the offices of the Chairperson, Commissioners and Executive
10 Director.

11 **SEC. 1602. *Official Seal.*** – The Commission is authorized to adopt an
12 official seal.

13 **SEC. 1603. *Functions of the Commission.*** – The Commission shall
14 exercise the functions to investigate the following:

15 (a) the administration of, and the fiscal and industrial effects of, this Act
16 and other related laws of this country currently in force or to be enacted;

17 (b) the relation between the rates of duty on raw materials and finished or
18 partly finished products;

19 (c) the effects of ad valorem and specific duties and of compound specific
20 and ad valorem duties;

21 (d) all questions relative to the arrangement of schedules and
22 classification of goods in the several Sections in this Act;

23 (e) the tariff relations between the Philippines and foreign countries,
24 commercial treaties, preferential provisions, economic alliances, the effect of
25 export bounties and preferential transportation rates;

26 (f) the volume of importations compared with domestic production and
27 consumption;

1 (g) conditions, causes and effects relating to competition of foreign
2 industries with those of the Philippines', including dumping and cost of
3 production;

4 (h) the operation and implementation of this Act, including their relation to
5 the national revenues, their effect upon the industries and labor of the country,
6 and to submit reports of its investigations as herein provided; and

7 (i) the nature and composition, and the classification of goods according to
8 tariff commodity classification and heading number for customs revenue and
9 other related purposes which information shall be furnished the NEDA, the
10 Board of Investments (BOI), the BSP, and the Secretary of Finance.

11 **SEC. 1604. Assistance to the President and Congress of the**
12 **Philippines.** – In order to provide the President and the Congress with the
13 necessary information and assistance regarding matters relating to tariff and
14 tariff-related concerns, it shall be the duty of the Commission to:

15 (a) ascertain conversion costs and costs of production in the principal
16 growing, producing, or manufacturing centers of the Philippines, whenever
17 practicable;

18 (b) ascertain conversion costs and costs of production in the principal
19 growing, producing, or manufacturing centers of foreign countries of goods
20 imported into the Philippines whenever such conversion costs or costs of
21 production are necessary for comparison with those in the Philippines;

22 (c) select and describe representative goods imported into the Philippines
23 similar to, or comparable with, those locally produced; select and describe goods
24 of the Philippines similar to, or comparable with, such imported goods; and
25 obtain and file samples of goods so selected whenever advisable;

26 (d) ascertain import costs of such representative goods so selected;

27 (e) ascertain the selling prices of the grower, producer, or manufacturer in
28 the principal growing, producing, or manufacturing centers of the Philippines, of
29 local goods and, in addition, to ascertain all other facts which will show the

1 difference in, or which affect competition between, goods of the Philippines and
2 those imported in the principal markets of the Philippines;

3 (f) ascertain conversion costs and costs of production including effects of
4 tariff modifications or import restrictions on prices in the principal growing,
5 producing, or manufacturing centers of the Philippines, whenever practicable;
6 and

7 (g) submit annual reports of these to the President and the Congress of
8 the Philippines, a copy of which shall be furnished the NEDA, the BSP, the DOF,
9 and the BOI.

10 **SEC. 1605. Reports of the Commission.** – The Commission shall
11 place at the disposal of the President and any Member of the Congress of the
12 Philippines all information at its command. It shall conduct such investigation
13 and submit reports as may be required by the President and the Congress of the
14 Philippines. It shall likewise report to the President and Congress on the first
15 Monday of December of each year and hereafter, a statement of methods
16 adopted and a summary of all reports made during the year.

17 The Commission or its duly authorized representative shall have access to
18 any document, paper or record, pertinent to the subject matter under
19 investigation, in the possession of any person, firm, co-partnership, corporation,
20 or association engaged in the production, importation, or distribution of goods
21 under investigation, and shall have power to summon witnesses, take testimony,
22 administer oaths, and to issue *subpoena duces tecum* requiring the production of
23 books, papers, or documents relating to the matter under investigation. The
24 Commission may also request the views, recommendations, and assistance of
25 any government office, agency, or instrumentality who shall be expected to
26 cooperate fully with the Commission.

27 **SEC. 1606. Sworn and Verified Statements.** – The Commission may
28 order the taking of sworn statements at any stage of any proceeding or

1 investigation before it. The sworn statements must be made before a person
2 authorized to administer oaths.

3 The Commission is authorized to require any importer, grower, producer,
4 manufacturer or seller to file with the Commission a statement, under oath, giving
5 the selling prices in the Philippines of goods imported, grown, produced,
6 fabricated or manufactured by such person.

7 **SEC. 1607. *Implementing Rules and Regulations.*** – The Commission
8 shall promulgate and adopt such rules and regulations as may be necessary to
9 carry out the provisions of this Act.

10 CHAPTER 2

11 FLEXIBLE TARIFF

12 **SEC. 1608. *Flexible Clause.*** – (a) In the interest of the general welfare
13 and national security, and subject to the limitations prescribed under this Act, the
14 President, upon the recommendation of NEDA, is hereby empowered to:

15 (1) increase, reduce, or remove existing protective rates of import duty
16 including any necessary change in classification. The existing rates may be
17 increased or decreased to any level, in one or several stages, but in no case
18 shall the increased rate of import duty be higher than a maximum of one hundred
19 percent (100%) ad valorem;

20 (2) establish import quotas or ban imports of any commodity, as may be
21 necessary; and

22 (3) impose an additional duty on all imports not exceeding ten percent
23 (10%) ad valorem whenever necessary: *Provided,* That upon periodic
24 investigations by the Tariff Commission and recommendation of the NEDA, the
25 President may cause a gradual reduction of protection levels granted in Section
26 1611 of this Act, including those subsequently granted pursuant to this Section.

27 (b) Before any recommendation is submitted to the President by the
28 NEDA pursuant to the provisions of this Section, except in the imposition of an
29 additional duty not exceeding ten percent (10%) ad valorem, the Commission

1 shall conduct an investigation and shall hold public hearings wherein interested
2 parties shall be afforded reasonable opportunity to be present, to produce
3 evidence and to be heard. The Commission shall also hear the views and
4 recommendations of any government office, agency, or instrumentality. The
5 Commission shall submit its findings and recommendations to the NEDA within
6 thirty (30) days after the termination of the public hearings.

7 (c) The power of the President to increase or decrease rates of import
8 duty within the limits fixed in subsection (a) shall include the authority to modify
9 the form of duty. In modifying the form of duty, the corresponding ad valorem or
10 specific equivalents of the duty with respect to imports from the principal
11 competing foreign country for the most recent representative period shall be
12 used as basis.

13 (d) Any order issued by the President pursuant to the provisions of this
14 Section shall take effect thirty (30) days after promulgation, except in the
15 imposition of additional duty not exceeding ten percent (10%) ad valorem which
16 shall take effect at the discretion of the President.

17 (e) The power delegated to the President as provided for in this Section
18 shall be exercised only when Congress is not in session.

19 (f) The power herein delegated may be withdrawn or terminated by
20 Congress through a joint resolution.

21 The NEDA shall promulgate rules and regulations necessary to carry out
22 the provisions of this Section.

23 **SEC. 1609. *Promotion of Foreign Trade.*** – (a) For the purpose of
24 expanding foreign markets for Philippine products as a means of assisting in the
25 economic development of the country, in overcoming domestic unemployment, in
26 increasing the purchasing power of the Philippine peso, and in establishing and
27 maintaining better relations between the Philippines and other countries, the
28 President, shall, from time to time:

1 (1) enter into trade agreements with foreign governments or
2 instrumentalities thereof; and

3 (2) modify import duties, including any necessary change in classification
4 and other import restrictions as are required or appropriate to carry out and
5 promote foreign trade with other countries: *Provided*, That in modifying import
6 duties or fixing import quota, the requirements prescribed in subsection (a) of
7 Section 1608 shall be observed: *Provided, however*, That any modification in
8 import duties and the fixing of import quotas pursuant to the agreement on
9 ASEAN Trade in Goods Agreement (ATIGA) and other trade agreements, shall
10 not be subject to the limitations of aforesaid subsection (a) of Section 1608.

11 (b) The duties and other import restrictions as modified in subsection (a)
12 of this Section, shall apply to goods which are the growth, produce, or
13 manufacture of the specific country, whether imported directly or indirectly, with
14 which the Philippines has entered into a trade agreement: *Provided*, That the
15 President may suspend the application of any concession to goods which are the
16 growth, produce, or manufactured product of the specific country because of acts
17 or policies which tend to defeat the purposes set in this Section, including the
18 operations of international cartels; and the duties and other import restrictions as
19 negotiated shall be in force and effect from and after such time as specified in
20 the order.

21 (c) Nothing in this Section shall be construed to give any authority to
22 cancel or reduce in any manner the indebtedness of any foreign country to the
23 Philippines or any claim of the Philippines against any foreign country.

24 (d) Before any trade agreement is concluded with any foreign government
25 or instrumentality thereof, reasonable public notice of the intention to negotiate
26 an agreement with such government or instrumentality shall be given in order
27 that interested persons may have an opportunity to present their views to the
28 Commission. The Commission shall seek information and advice from the

1 Department of Agriculture (DA), the DENR, the DTI, the DOT, the BSP, the DFA,
2 the BOI, and from such other sources as it may deem appropriate.

3 (e) In advising the President, on a trade agreement entered into by the
4 Philippines, the following shall be observed:

5 (1) The Commission shall determine whether or not the domestic industry
6 has suffered or is being threatened with injury and whether or not the wholesale
7 prices at which the domestic products are sold are reasonable, taking into
8 account the cost of raw materials, labor, overhead, a fair return on investment,
9 and the overall efficiency of the industry.

10 (2) The NEDA shall evaluate the report of the Commission and submit
11 recommendations to the President.

12 (3) Upon receipt of the report of the findings and recommendations of the
13 NEDA, the President may prescribe adjustments in the rates of import duties,
14 withdraw, modify or suspend, in whole or in part, any concession under any trade
15 agreement, establish import quota, or institute such other import restrictions as
16 the NEDA recommends to be necessary in order to fully protect domestic
17 industry and the consumers, subject to the condition that the wholesale prices of
18 the domestic products shall be reduced to, or maintained at, the level
19 recommended by the NEDA unless, for good cause shown, an increase thereof,
20 as recommended by the NEDA, is authorized by the President. Should increases
21 be made without such authority, the NEDA shall immediately notify the President
22 who shall allow the importation of competing products in such quantities as to
23 protect the public from the unauthorized increase in wholesale prices.

24 (f) This Section shall not prevent the effectivity of any executive
25 agreement or any future preferential trade agreement with any foreign country.

26 (g) The NEDA and the Commission shall promulgate such reasonable
27 procedures, rules and regulations as they may deem necessary to execute their
28 respective functions under this Section.

1 substances contained in mixed or composite goods or to part only of
2 the items in a set put up for retail sale, those headings are to be
3 regarded as equally specific in relation to those goods, even if one of
4 them gives a more complete or precise description of the goods.

5 (b) Mixtures, composite goods consisting of different materials or made up
6 of different components, and goods put up in sets for retail sale, which
7 cannot be classified by reference to 3(a), shall be classified as if they
8 consisted of their essential character, insofar as this criterion is
9 applicable.

10 (c) When goods cannot be classified by reference to 3(a) or 3(b), they
11 shall be classified under the heading which occurs last in numerical
12 order among those which equally merit consideration;

13 (4) Goods which cannot be classified in accordance with the above Rules
14 shall be classified under the heading appropriate to the goods to which they are
15 most akin.

16 (5) In addition to the foregoing provisions, the following Rules shall apply
17 in respect of the goods referred to therein:

18 (a) Camera cases, musical instrument cases, gun cases, drawing
19 instrument cases, necklace cases and similar containers, specially
20 shaped or fitted to contain a specific article or set of articles, suitable
21 for long-term use and presented with the articles for which they are
22 intended, shall be classified with such articles when of a kind normally
23 sold therewith. The Rule does not, however, apply to containers which
24 give the whole its essential character;

25 (b) Subject to the provisions of Rule 5(a), packing materials and packing
26 containers presented with the goods therein shall be classified with the
27 goods if they are of a kind normally used for packing such goods.
28 However, this provision does not apply when such packing materials or
29 packing containers are clearly suitable for repetitive use.

1 (6) For legal purposes, the classification of goods in the subheadings of a
2 heading shall be determined according to the terms of those subheadings and
3 any related Subheading Notes and, *mutatis mutandis*, to the above Rules, on the
4 understanding that only subheadings at the same level are comparable. For the
5 purposes of the Rule, the relative Section and Chapter Notes also apply, unless
6 the context otherwise requires.

7 **SEC. 1611. *Tariff Nomenclature and Rates of Import Duty.*** – The
8 provisions of Section 104 of Presidential Decree No. 1464, otherwise known as
9 the Tariff and Customs Code of the Philippines of 1978, as amended, specifically
10 providing for the tariff sections, chapters, headings and subheadings and the
11 rates of import duty, shall still apply. There shall be levied, collected and paid
12 upon all imported goods the rates of duty indicated thereon except as otherwise
13 specifically provided for in this Act: *Provided*, That the maximum rate shall not
14 exceed one hundred percent (100%) ad valorem.

15 a. The rates of duty provided or subsequently fixed pursuant to Sections
16 1608 and 1609 of this Act shall be subject to periodic investigation by the Tariff
17 Commission and may be revised by the President, upon the recommendation of
18 the NEDA.

19 b. The rates of duty provided shall apply to all products, whether imported
20 directly or indirectly, of all foreign countries, which do not discriminate against
21 Philippine export products. An additional one hundred percent (100%) across-
22 the-board duty shall be levied on the products of any foreign country which
23 discriminates against Philippine export products.

24 **SEC. 1612. *Tariff Nomenclature and Rates of Export Duty.*** – The
25 provisions of Section 514 of Presidential Decree No. 1464, otherwise known as
26 the Tariff and Customs Code of 1978, as amended, specifically providing for the
27 export products subject to duty and rates, shall still apply.

1 TITLE XVII

2 CONGRESSIONAL OVERSIGHT COMMITTEE

3 SEC. 1700. *Congressional Oversight Committee.* – The
4 Congressional Customs and Tariff Oversight Committee, herein referred to as
5 the Committee, is hereby constituted in accordance with the provisions of this
6 Act. The Committee shall be composed of the Chairpersons of the Committee on
7 Ways and Means of the Senate and House of Representatives and four (4)
8 additional members from each House, to be designated by the Senate President
9 and the Speaker of the House of Representatives, respectively. The Committee
10 shall, among others, in aid of legislation:

- 11 (a) monitor and ensure the proper implementation of this Act;
- 12 (b) review the collection performance of the Bureau; and
- 13 (c) review the implementation of the programs of the Bureau.

14 In furtherance of the hereinabove cited objectives, the Committee shall
15 require the Bureau to submit all pertinent information which includes:

- 16 (1) industry audits;
- 17 (2) collection performance data; and
- 18 (3) status report on criminal actions initiated against persons.

19 TITLE XVIII

20 FINAL PROVISIONS

21 SEC. 1800. *Implementing Rules and Regulations.* – The Secretary of
22 Finance shall, upon the recommendation of the Commissioner, promulgate the
23 necessary rules and regulations for the effective implementation of this Act.

24 SEC. 1801. *Transitory Provisions.* – All suits, proceedings, or
25 prosecutions whether civil or criminal, for causes arising or acts done or
26 committed prior to the effectivity of this Act, shall be commenced and prosecuted
27 within the same time in the same manner and with the same effect as if this Act
28 had not been enacted and all rights acquired, offenses committed, and penalties

1 or forfeitures or liabilities waived prior to the said effectivity shall not be affected
2 thereby.

3 **SEC. 1802. *Repealing Clause.*** –Except for Section 104 on Rates of
4 Import Duty and Section 514 on Export Products Subject to Duty and Rates
5 which shall remain valid and effective and shall supplement this Act, all other
6 Sections of Presidential Decree No. 1464, otherwise known as the Tariff and
7 Customs Code of the Philippines of 1978, as amended, and Presidential Decree
8 No. 1853 which require any applicant for letter of credit covering imports to
9 deposit the full amount of duties due on the importation, are hereby expressly
10 repealed. All other laws, acts, presidential decrees, executive orders, rules and
11 regulations or parts thereof inconsistent with the provisions of this Act are hereby
12 expressly repealed, amended or modified accordingly.

13 **SEC. 1803. *Separability Clause.*** – If any provision of this Act is
14 declared invalid or unconstitutional, the remaining provisions or parts shall
15 remain in full force and effect.

16 **SEC. 1804. *Effectivity Date.*** – This Act shall take effect fifteen (15)
17 days after its publication in the Official Gazette or in two (2) newspapers of
18 general circulation.

Approved,