



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

OCOM Memo No. 32-2021

hmo
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MEMORANDUM

TO : DEPUTY COMMISSIONER, AOCG
 ALL DISTRICT AND SUB-PORT COLLECTORS
 ALL CHIEFS, ACDMD
 ALL CHIEFS, LAW DIVISION
 ALL OTHERS CONCERNED

FROM : REY LEONARDO B. GUERRERO  BOC-02-04755
 Commissioner *o* FEB 19 2021

SUBJECT : TEMPLATE FOR THE DEED OF DONATION AND ACCEPTANCE BY THE BUREAU OF CUSTOMS

DATE : 08 February 2021

In order to align the provisions of the Deeds of Donation and Acceptance as proposed by the different Collection Districts, Sub-Ports, or offices of the Bureau with the approved Deed of Donation by the Department of Finance and for the speedy review and/or approval thereof, attached herewith is a template for the perusal of the offices concerned.

Notably, the following documents should likewise be attached in the Deed of Donation:

- a. Decision of the *Port*, duly received by the parties (with the stamp and /or signature of the receiving party)
- b. Order or Notice of Finality, duly received by the parties
- c. Request for Donation, if applicable
- d. Permits or clearances, if applicable
- e. Other relevant documents

All details and documents, as may be applicable to the donation, should be supplied prior to the transmittal to the Office of the Commissioner for further review and/or concurrence.

A soft copy will be sent to the official e-mail addresses of the offices indicated above and a request for a copy may be sent to the rrdlegalservice@customs.gov.ph

For your guidance.

DEED OF DONATION AND ACCEPTANCE

This **DEED OF DONATION AND ACCEPTANCE**, made and entered into this ____ day of _____, 2021, by and between -

The **BUREAU OF CUSTOMS**, an agency of the government under the Department of Finance mandated by law, including Republic Act No.10863, otherwise known as the " Customs Modernization and Tariff Act" with address at the Ground Floor, OCOM Building, South Harbor, Port Area, Manila, represented herein by its Commissioner, **REY LEONARDO B. GUERRERO**, hereinafter referred to as the **DONOR**,

-and-

The _____, a (government) (private) entity mandated by law, particularly under _____, otherwise known as the " _____", with address at _____, represented herein by its (Title), **HEAD OF AGENCY**, hereinafter referred to as the **DONEE**,

WITNESSETH:

WHEREAS, on _____, a shipment of _____ was apprehended by the _____.

WHEREAS, on _____, a Warrant of Seizure and Detention (WSD) docketed as S.I. No. _____ was issued against the subject shipment for violation of Sections _____ of R.A. No. 10863 otherwise known as Customs Modernization and Tariff Act (CMTA);

WHEREAS, on _____, after the conduct of seizure proceedings, a Forfeiture Decision was issued against the shipment;

WHEREAS, on _____, the Forfeiture Decision became final and executory and on _____, an inventory was conducted which yielded _____ (itemized description of goods) _____;

WHEREAS, Commissioner Rey Leonardo B. Guerrero, has directed for the immediate donation of forfeited shipment to the _____ (DONEE) _____ to _____ (purpose) _____;

WHEREAS, Section 1141 of the Customs Modernization and Tariff Act (CMTA) provides that goods subject to disposition may be donated to another government agency or declared for official use of the Bureau after approval of the Secretary of Finance, or sold at public auction;

WHEREAS, Commissioner Rey Leonardo B. Guerrero, has secured the approval of the Secretary of Finance in a letter dated _____, where the latter interposed no objection to the donation considering that the forfeited goods may be used for its intended purpose.

WHEREAS, the DONOR has complied with the proceeding and requirements of RA 10863 and relevant rules for the disposition of goods subject of and through this Donation;

NOW, THEREFORE, for and in consideration of the foregoing, the DONOR hereby donates to the DONEE the herein subject forfeited shipment, consisting of _____.

ACCEPTANCE

NOW, THEREFORE, the _____ DONEE _____, represented by (Title), **HEAD OF AGENCY**, as recipient of the donation, **ACCEPTS** and **ACKNOWLEDGES** complete receipt of the above-mentioned items.

IN WITNESS WHEREOF, the DONOR and the DONEE, through their respective representatives, have subscribed to this Deed of Donation and Acceptance on the date and place first above-written.

BUREAU OF CUSTOMS
Donor

Donee

By:

By:

REY LEONARDO B. GUERRERO
Commissioner

Title

WITNESSES:

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF _____) S.S.

BEFORE ME, personally appeared the following persons:

Name	Competent Proof of Identity	Date/ Place Issued

personally known to me to be then same persons who executed the foregoing instrument for and on behalf of the entities represented herein, and they acknowledged to me that the same is their free and voluntary act and deed as well as that of the principals represented herein.

I hereby certify that this document, consisting of _____ () pages, including this page on which this acknowledgement is written, has been signed by the Parties and their instrumental witnesses at the foot thereof and on each and every page of this Memorandum of Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 2021 at _____, Philippines.

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2021.