



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
BUREAU OF CUSTOMS  
MANILA

CUSTOMS MEMORANDUM ORDER  
NO. 5292

TO: All Bureau Officials and Employees  
Customs Brokers and Importers  
Other Concerned

SUBJECT: Procedure to be followed upon Findings/  
Detection of FCL Containers with Broken/  
Tampered SGS Seals or the Container  
Shows Signs of Having Been Opened or  
Having Its Identity Changed (Paragraph  
11.1.1, page 6, CMC 39-92).

I. OBJECTIVES:

1. To protect government revenue.
2. To curb technical smuggling committed through substitution of cargoes after SGS pre-shipment inspection at the port of exportation or during the voyage of importation.
3. To facilitate the movement/release or administrative sanctions on imported articles, as the case may be.

II. GENERAL PROVISIONS:

1. The Detection and reporting of damaged/tampered SGS Seals/containers on shipments already examined by SGS shall be the responsibility of the Customs Inspector and the receiving wharfinger on dock, both of whom are under the Piers and Inspection Division
2. The Customs Inspector and the Receiving wharfinger on Dock shall jointly keep a book-bound record (permanently bound) indicating the following data:
  - 2.1. Container/s number(s)
  - 2.2. Carrying vessel - Port of Exportation (Leading)
  - 2.3. Registry Number
  - 2.4. Date of Arrival
  - 2.5. Manifested Consignee
  - 2.6. Manifested Contents

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- 2.7. Manifested Weight
  - 2.8. Carrier Seal Number
  - 2.9. SGS Seal Number
  - 2.10. Sealoak Number
  - 2.11. Location of Container
  - 2.12. Condition of the Seal/container, whether in good condition, tampered or damaged
3. The pears and Inspection Division shall maintain a place for containers for direct delivery to importer without examination and place for damaged containers and/or with broken/tampered SGS Seal subject to sustoms examination.
  4. This Order shall not cover:
    - 4.1. Shipments subject of HOLD ORDER
    - 4.2. where importer requests that shipment be examined at the pier

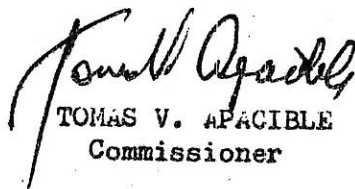
III. OPERATIONAL PROVISIONS:

1. Upon arrival of the vessel, the Chief of PID shall assign the Inspector and wharfiner on dock who shall be responsible for the inspection of the condition of the SGS/Seal/Container and maintenance of the book-bound records, reflecting the result of inspection. They shall remain assigned to the work starting from the unloading of the container up to the discharge of the last container.
2. Result of this inspection of the container while being unloaded to docks shall be entered in the record book.
3. Any shipment with damaged/tampered SGS Seal/Container shall be immediately transferred to a place designated for that purpose. Shipments with Seal/container in good condition shall, upon receipt by wharfinger of the delivery permit, immediately be delivered without examination to the importer either from vessel direct to truck or stored in an area designated for that purpose to wait for immediate delivery.
4. All the pages of the record book shall be duly signed by the inspector/wharfinger concerned.
5. Once reported by the Inspector/wharfinger concerned as in good condition, the container shall be delivered to the importer without examination irrespective of what happened to the Seal or Container while on dock.

6. The Inspector/wharfinger shall submit written report to the Chief, PID, using attached format (Annex "A"), copy furnished the Collector of Customs within one (1) day from date of discharge of last container regarding any adverse findings on the condition of the Seal/container.
7. The District Collector issues an Order to the Deputy Collector for Assessment directing examination of the contents of the container/s under question within the port premises providing copies thereof to:
  - 7.1. The Deputy Collector for Operations
  - 7.2. The Chief, CCCD
  - 7.3. The District Commander, ESS
  - 7.4. The OIC, CIIS Unit
8. The Chief, Formal Entry Division or the Chief, Informal Entry Division, as the case may be, shall schedule the examination of the contents of the container(s) in question with notification to the following offices/units to send representatives to witness the opening and examination of the container/s:
  - 8.1. Chief, CCCD
  - 8.2. District Commander, ESS
  - 8.3. OIC, CIIS Unit
  - 8.4. The scheduled examination shall proceed with or without the presence of representatives from the witnessing offices/units.
9. If upon opening of the container/s and examination of its contents -
  - 9.1. The findings conform to the entry declaration/CRF/Manifestation the container/s shall be permitted to be delivered immediately to the importer's premises.
10. If upon opening of the container/s and examination of its contents -
  - 10.1. The findings differ from the entry declaration/CRF Manifestation, the examining official shall immediately prepare the corresponding administrative action duly countersigned by the ESS and CIIS representatives, to the District Collector of Customs.

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11. If discrepancy found is enough ground for seizure, the container shall outright be transferred under the direct supervision and control of the ESS District Command to the Customs Container Control Security Area (Rainbow) at MICP or equivalent security area in other Ports.
- IV. The provisions of any rules/regulations inconsistent with this order are hereby modified, superseded or repealed accordingly.
- V. This Order shall take effect immediately.

  
TOMAS V. APACIBLE  
Commissioner

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Annex "A"

\_\_\_\_\_  
(Date)

The Chief  
Piers and Inspection Division  
Port of \_\_\_\_\_

S i r :

In compliance with CMO No. \_\_\_\_\_ dated \_\_\_\_\_,

I have the honor to report that the containers listed hereunder are  
unloaded on Pier No. \_\_\_\_\_, Shed No. \_\_\_\_\_ and found to  
have damaged/tampered SGS seals/Container as follows:

<u>CONTAINER NUMBER</u>	<u>SGS SEAL NO.</u>	<u>SEALOCK NO.</u>	<u>CARRYING VESSEL</u>	<u>REGISTRY NO.</u>	<u>DATE OF ARRIVAL</u>	<u>DESCRIPTION OF DAMAGED/TAMPERS SEAL/CONTAINER</u>
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Respectfully submitted:

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Customs Inspector/wharfinger

cc: Dist. Coll. of Customs