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03 February 2021

CUSTOMS MEMORANDUM CIRCULAR
NO. 33 - 2021

To: The Assistant Commissioner
All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

SUBJECT: Memorandum Circular No. 72

Attached is the Memorandum dated 26 January 2021 from Mr. Alvin P. Diaz, Director IV, Central Administration Office, Department of Finance endorsing a certified copy of Memorandum Circular No. 72 entitled:

"STRENGTHENING THE STANDARDS OF COMPLETE STAFF WORK AS A REQUIREMENT FOR THE PROCESSESING AND EVALUATION OF REQUESTS FOR PRESIDENTIAL ISSUANCES, AUTHORIZATIONS AND OTHER APPROVALS."

For your information and guidance.

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


REY LEONARDO B. GUERRERO
Commissioner

FEB 09 2021



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Internal Admin. Group

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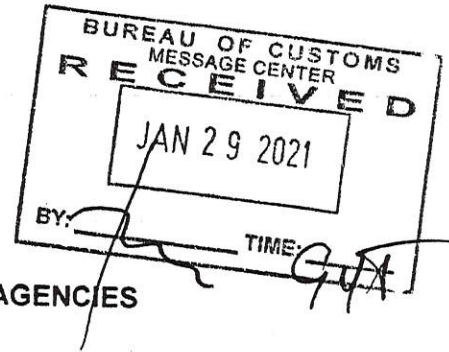
BOC-09-18498

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Republic of the Philippines
DEPARTMENT OF FINANCE

Roxas Boulevard Corner Pablo Ocampo, Sr. Street
Manila 1004



MEMORANDUM

FOR : **HEADS OF OFFICES**
This Department

HEADS OF BUREAUS/ATTACHED AGENCIES
Department of Finance

FROM : *[Signature]*
ALVIN P. DIAZ
Director IV
Central Administration Office

SUBJECT : **Memorandum Circular No. 72 entitled "STRENGTHENING THE STANDARDS OF COMPLETE STAFF WORK AS A REQUIREMENT FOR THE PROCESSING AND EVALUATION OF REQUESTS FOR PRESIDENTIAL ISSUANCES, AUTHORIZATIONS AND OTHER APPROVALS"**

DATE : January 26, 2021

Attached for information and guidance is a copy of Memorandum Circular No. 72 dated 15 November 2019 from Executive Secretary Salvador C. Medialdea, Office of the President on the above-captioned subject.

Office of the President
of the Philippines
Malacañang

MEMORANDUM CIRCULAR NO. 72

STRENGTHENING THE STANDARDS OF COMPLETE STAFF WORK AS A REQUIREMENT FOR THE PROCESSING AND EVALUATION OF REQUESTS FOR PRESIDENTIAL ISSUANCES, AUTHORIZATIONS AND OTHER APPROVALS

WHEREAS, prompt, efficient and effective delivery of services and programs to the Filipino people largely rests on evidence-based, inclusive and holistic government policies which are implemented through issuances, authorizations and approvals of the President;

WHEREAS, Memorandum Circular (MC) No. 68 (s. 2004), as amended, directs all heads of government entities to, among others, conduct a complete staff work (CSW) before they submit any request for presidential issuance and/or approval;

WHEREAS, it has been observed that numerous requests for presidential issuances, authorizations and approvals are either submitted near the target date of promulgation and/or without the necessary staff work having been accomplished by the requesting department, bureau or office of government; and

WHEREAS, there is an urgent need to strengthen the existing standards of CSW and strictly enforce the same with the end view of efficiently and effectively delivering crucial government programs;

NOW, THEREFORE, in the interest of efficiency in the processing of requests for presidential issuances, authorizations and other approvals, the following are hereby ordered:

Section 1. Coverage. Unless specifically covered by a law or issuance providing appropriate guidelines, this Circular shall apply to all proposed Presidential issuances, whether in the form of Executive Orders, Administrative Orders, Memorandum Orders, Memorandum Circulars, Proclamations or other documents, as well as requests for authorizations and approvals, to be signed by the President or the Executive Secretary "by authority of the President," submitted by government departments, bureaus, agencies and offices, including government-owned or -controlled corporations, government financial institutions, state universities and colleges, and local government units. This Circular shall also cover, to the extent applicable, similar requests from private and non-government entities.

Section 2. General Principles. CSW is the recommendation of a single and coordinated best course of action by a proponent in such form and substance that would enable the Office of the President (OP) to adequately assess and indicate its approval or disapproval of the proposal.

For this purpose, all proposals must exhibit the following characteristics:

- a. **Evidence-based.** Proponent must use the best available evidence in making policy recommendations, designing programs and implementing them. Thus, all information, especially statistical data, should be relevant, timely, accurate and validated, and

obtainable from verifiable and credible sources such as the government or reputable and recognized organizations. The issue/s should be clearly defined and effect/s identified, with particular emphasis on operational matter or information that is not sourced from generally accessible literature;

- b. **Inclusive.** Positions of all concerned government agencies and instrumentalities and other stakeholders must be considered and reported, especially when there are contentious issues involved. The proponent shall be responsible for obtaining the concurrence or comments of concerned government entities, including inputs from experts or affected sectors, whenever applicable. The OP may, however, obtain supplementary comments in the evaluation of proposals; and
- c. **Holistic.** The problem must be viewed in a holistic manner, and its proposed solution should adopt a whole-of-government approach. The issue/s must be viewed from a macro-level perspective that takes into account, among others, legal, political, social, economic, technological, security, cultural and environmental standpoints.

Section 3. Cover Memorandum. Proposals or requests for presidential issuance, authorization or approval from the OP should be embodied in a memorandum not exceeding three (3) pages. Such cover memorandum shall contain a concise presentation of the following information, with further details and discussions fleshed out in the attachments, as may be necessary.

- a. **Title.** A brief statement of the action requested or issue that needs to be resolved or addressed.
- b. **Antecedent.** A brief background/history of the request, including any previous similar or related requests, issuances or action of all concerned government entities.
- c. **Recommendation.** A brief description of the recommended course of action embodied in the proposed issuance or request for authorization or approval, and an enumeration of its salient features or significant components, if applicable.
- d. **Rationale.** An explanation and discussion of the economic, administrative, technical or other justification for the proposed issuance or action and a discussion of the relevant provisions of law and jurisprudence, as well as executive issuances, providing legal bases for the proposed issuance or action.

The Rationale should include: (i) an enumeration of alternative options weighed according to relevant criteria; (ii) a detailed breakdown of the costs and benefits of each alternative option and the proposed action, as well as their respective strengths and weaknesses; and (iii) an identification of short-term and long-term benefits, outputs and outcomes if the proposal is approved, as well as potential risks, problems and complications, if any.

- e. **Agency Coordination.** An enumeration of the government agencies and instrumentalities that may be involved in or affected by the implementation of the requested issuance or action, by reason of their respective mandates, indicating those which: (i) agreed; (ii) disagreed; or (iii) failed to respond pursuant to Section 4 of this Circular.

Copies of said comments and/or recommendations signed or endorsed by the Department Secretaries or Heads of Agencies concerned must be attached to the proposal together with a statement by the proponent that the necessary coordination or consultations were made with other relevant government entities.

- f. **Funding Requirement.** A certification by the concerned government entity's chief accountant or head of accounting unit that funds for the purpose are available or a discussion of how the necessary funds will be raised, and whenever possible, the comment and recommendation of the Department of Budget and Management on their proposed funding source.

The following shall be attached to the cover memorandum:

- i. **Draft Action Document.** A printed draft of the action document or proposed issuance requested from the OP, along with an editable electronic copy;
- ii. **Implementation Plan.** If applicable, comprehensive plan detailing how and when the proposal will be implemented, including milestones and deliverables by each responsible agency based on their mandates and corresponding budgetary requirement for every component thereof, as well as mechanism for monitoring, review and evaluation; and
- iii. **Other Relevant Documents.** Documents, data, cost-benefit analysis and other information relevant to the subject matter of the proposed issuance or action, properly annexed and referenced in the cover memorandum.

Section 4. Period to Submit Comments. Government agencies and instrumentalities, whose comments are requested, either by the proponent or by the OP, shall respond to the request within fifteen (15) working days from receipt thereof. In case of failure to respond within the prescribed period and upon proof of receipt of the request for comment, the government agency or instrumentality whose comment was sought shall be considered as having interposed no objection to the proposal or position of the proponent.

Section 5. Evaluation of Proposals. Failure to comply with the requirements and standards of CSW herein provided shall be sufficient basis for the OP not to act on the request or return the same to the proponent.

Section 6. Repeal. MC Nos. 152 (s. 1996), 18 (s. 2001), and 68, as amended by 147 (s. 2007) are hereby repealed. All other circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Circular are hereby repealed or modified accordingly.

Section 7. Separability. If any provision of this Circular is declared invalid or unconstitutional, the other provisions unaffected thereby shall remain valid and subsisting.

Section 8. Effectivity. This Circular shall take effect immediately.

DONE, in the City of Manila, this 15th day of November in the year of our Lord Two Thousand Nineteen.

By authority of the President:

SALVADOR C. MEDIALDEA
Executive Secretary

