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MEMORANDUM

TO : ALL DEPUTY COMMISSIONERS
ALL SERVICE DIRECTORS
ALL DISTRICT/PORT COLLECTORS
ALL CONCERNED

FROM : REY LEONARDO B. GUERRERO
Commissioner FEB 15 2021

SUBJECT : IMPORTATION OF USED MOTOR VEHICLES BY
OFFICIALS OF THE DIPLOMATIC CORPS

DATE : 29 January 2021



BOC-03-07974

With reference to the attached letter dated 10 June 2020 from Secretary Ramon M. Lopez, Department of Trade and Industry, all concerned are informed regarding the importation requirements for used motor vehicles by Officials of Diplomatic Corps with emphasis on the vehicles of Ms. Olivia Magpile and Ms. Cecilia Tomas that require specific exemption from the DTI.

Also, in connection with vehicles that have already been released before 6 February 2020 without the Certificate of Authority to Import and Release Certificate, Certificates of Payment shall be issued therefor. If the vehicle was released after 6 February 2020 then the importer is required to secure specific exemption from the DTI.

Further, all concerned are informed of the following:

- a. Letter dated 4 February 2020 addressed to the Office of the Commissioner RE: Importation of Used Motor Vehicles by Officials of the Diplomatic Corps.
- b. Letter dated 29 July 2020 addressed to H. E. Peter Francis Kell, Ambassador, New Zealand Embassy from Secretary Ramon M. Lopez.
- c. Letter dated 30 July 2020 addressed to USec. Cheryl Marie Natividad-Caballero, Chief of Staff, Office of the Secretary, Department of Agriculture from Secretary Ramon M. Lopez.

For your guidance.

Attachments:

- Attachment "A" – Letter of DTI Secretary dated 10 June 2020
Attachment "B" – Letter of DTI Secretary dated 6 July 2020
Attachment "C" – Letter of DTI Secretary dated 4 February 2020
Attachment "D" – Letter of DTI Secretary dated 29 July 2020
Attachment "E" – Letter of DTI Secretary dated 30 July 2020



10 June 2020

REY LEONARDO B. GUERRERO
Commissioner
Bureau of Customs
Port Area, Manila

BUREAU OF CUSTOMS
MESSAGE CENTER
RECEIVED
NOV 19 2020
BY: *[Signature]* TIME: *1:02*



Dear Commissioner Guerrero:

[Signature]
23 NOV 2020
1:45

We reply to your letter of 22 May 2020 requesting for clarification with regard to (1) the requirements for importation of used motor vehicles for the personal use of the officials of the diplomatic corps and (2) the process to be followed once the vehicle arrives without the required Certificate of Authority to Import and Release Certificate.

- (1) Please be informed that importation of used motor vehicle by officials of the diplomatic corps is among those exempted from the general import prohibition on used motor vehicle pursuant to Section 3, Article 2 of EO 156, as amended by EO 877-A. However, as provided under Section 3.b of EO 877-A, the importation shall be with prior authorization from the Department of Foreign Affairs (DFA). Moreover, under Section 4 of EO 877-A the importation shall also require an authority to import from the Department of Trade and Industry (DTI).
- (2) Under Section 4.a.2 Part II of the implementing guidelines of EO 156 as amended, a Release Certificate from the DTI shall be used, among others, as basis for the release of the vehicle from the Bureau of Customs (BOC) and for registration of the vehicle at the Land Transportation Office (LTO). Hence, aside from the import authority, a Release Certificate from the DTI is further required before the vehicle shall be released from the BOC. The DTI issues the Release Certificate only for importations that were previously issued an authority to import. Thus, used vehicles which arrived without the required import authority and release certificate from the DTI shall not be released from the BOC.

In the case of the importations of Ms. Olivia Magpile and Ms. Cecilia Tomas, which according to your letter arrived without the required import authority from the DTI, the vehicles should not be released by the BOC, unless a waiver of the requirement is granted by this office.

In our letter dated 06 February 2020, we expressed that for vehicles that have been released by the BOC without the required DTI authority to import and release clearance, the DTI can no longer be involved in the process for the issuance of the Certificate of Payment (CP) or any amendment thereto, since the the release of the vehicles has rendered the issuance of the clearance (which pursuant to Section 4.b.1 Part II of the guidelines, is among the requirements for the issuance of the Certificate of Payment) moot and academic. At this point, a waiver of the requirement for import authority and release certificate will no longer apply since the vehicles have already been previously released.

OFFICE OF THE SECRETARY

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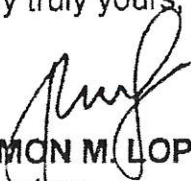
him
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OCOM Memo No. 30-2021-p-3

We, likewise, stated in the letter that the BOC should continue to process the documentation of the CP (whether or not to issue the CP is now a judgment call for the BOC) without involving the DTI, to allow importers to decide on their next course of action instead of holding the process thereby causing more port charges for the importers,

Thank you. We hope we have clarified the issue.

Very truly yours,


RAMON M. LOPEZ
Secretary





06 July 2020

RECEIVED
By: [Signature]
Date: 7/10
Time: 11:20

BUREAU OF CUSTOMS
MESSAGE CENTER
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JUL 10 8 2020
BOC-09-13850 TIME: 14X

COMMISSIONER LEONARDO B. GUERRERO
Bureau of Customs
BOC Building, Port Area, Manila

Dear Commissioner Guerrero,

This refers to the attached 05 June 2020 letter from Attaché Jason B. Haskins of the Embassy of the United States of America (Manila), requesting this Department for exemption/waiver from the requirement to secure a DTI Certificate of Authority to Import (CAI) and Release Certificate (RC) relative to the importation of four (4) units of brand new motor vehicles for the official use of the U.S. Government military affiliated agencies. The said motor vehicles arrived in the country on various dates in April and May 2020, and are still under process by the Bureau of Customs.

With reference to E.O. No. 877-A, its Article 2, Section 2 states that the importation of brand new vehicle is allowed provided that the year model is current, advance or immediately preceding year in the country of origin and/or manufacture. The 4 motor vehicles seeking exemption have year models of 2016 (2 units Toyota Land Cruiser) and 2018 (2 units BMW X5). The U.S. Embassy points out, however, that each vehicle had to undergo an armoring process from the time of procurement by the U.S. Department of State (DOS), upon whose completion they were turned back to the DOS. Invoices to this effect issued by the armoring company were also submitted. The U.S. Embassy certifies that the four vehicles are all brand new and have never been registered in the U.S.

In this connection, we would like to respectfully inform your good office that this Department poses no objection to the request of the U.S. Embassy for exemption/waiver from the requirement to secure DTI CAI and RC relative to the importation of the 4 motor vehicles.

Also attached please find a copy of the 18 June 2020 Memorandum of Dir. Ronnel O. Abrenica of the DTI Fair Trade Enforcement Bureau (FTEB) as concurred by Usec. Ruth B. Castelo of the DTI Consumer Protection Group (CPG) - regarding their findings on this matter.

For your consideration and appropriate action. Thank you.

Very truly yours,

RAMON M. LOPEZ
Secretary



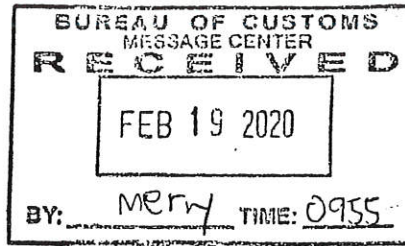
cc: Usec. Ruth B. Castelo, DTI-CPG
Dir. Ronnel O. Abrenica, DTI-FTEB
Mr. Jason B. Haskins, Attaché, U.S. Embassy (Manila)

OFFICE OF THE SECRETARY

OFFICE OF THE PHILIPPINE
BUREAU OF CUSTOMS
OFFICE OF THE DEPUTY COMMISSIONER
EXPORT & OPERATIONS COORDINATING GROUP
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BUREAU OF CUSTOMS
RECEIVED
BY: [Signature]
DATE: 10 JUL 2020
IMPORT & ASSESSMENT SERVICE



24 February 2020



CCC - 20 - 01002

REY LEONARDO B. GUERRERO
Commissioner
Bureau of Customs
Port Area, Manila

same w/ 09-11314

Re: Importation of Used Motor Vehicles by Officials of the Diplomatic Corps

Dear Commissioner Guerrero:

We write with reference to the shipment of used motor vehicles by Officials of the Diplomatic Corps which arrived without the required DTI Certificate of Authority to Import (CAI) and Release Clearance (RC) and which are currently being held at the Bureau of Customs.

The Department of Foreign Affairs (DFA), in their letters of January 21 & 27, 2020 and February 03, 2020, is requesting for a waiver of the requirement of DTI CAI and RC for the following officials of the diplomatic corps who imported their used motor vehicles without knowing of the requirement.

| NAME OF PERSONNEL | DESIGNATION/NAME OF OFFICE |
|-----------------------------|--|
| Atty. Voltair Mauricio | Assistant Secretary DLLU |
| Mr. Juancho R. Rillo | Office of the Undersecretary for Policy |
| Mr. Ruben F. de Jesus | Office of the Undersecretary for Migrant Workers Affairs |
| Ms. Lilia Bayod | Office of Consular Affairs |
| Ms. Olivia S. Osias-Magpile | Office of the Secretary for Foreign Affairs |
| Ms. Ditte Marie Fallesen | World Bank Senior Operations Officer |

Noting that their importation of used motor vehicles is intended for personal use, not to mention the commitment to comply with the required CAI and RC, we are granting a liberal consideration to the request of the officials of the diplomatic corps.

For your information and guidance.

Very truly yours,

RAMON M. LOPEZ
Secretary

cc: Undersecretary Jeduardo Malaya
Office of the Undersecretary for Administration, DFA

Mr. Porfirio M. Mayo
Office of Protocol, DFA

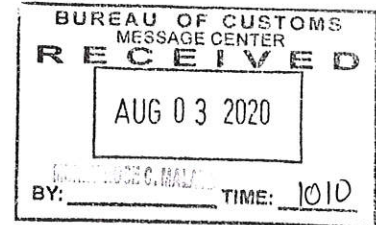
OFFICE OF THE SECRETARY



TRABAHO NEG. SYO KONSYUMER

29 July 2020

H.E. PETER FRANCIS KELL
Ambassador
New Zealand Embassy
35th Floor, Zuellig Building
Makati Ave. cor. Paseo de Roxas
Makati City 1225, Metro Manila



Dear Ambassador Kell,

This refers to your 15 July 2020 letter requesting this Department for **exemption/waiver** from the requirement to secure a **DTI Certificate of Authority to Import (CAI)** relative to the importation of **one (1) unit of Toyota Lexus RX350 (June 2020 Model/Make)** for the **official use** of the **New Zealand Embassy** and which arrived in the Philippines on **09 July 2020**.

With reference to E.O. No. 156 as amended by E.O. No. 877-A (particularly Article 2, Section 2), the importation of a **brand new vehicle** is allowed provided that the **year model** is **current, advance or immediately preceding year** in the country of origin and/or manufacture. The subject importation is apparently a **brand new vehicle** since it is a **June 2020 Model**. Hence, prior import and release clearances from the DTI are not required (unlike in the case of a used motor vehicle – whose importation is being regulated).

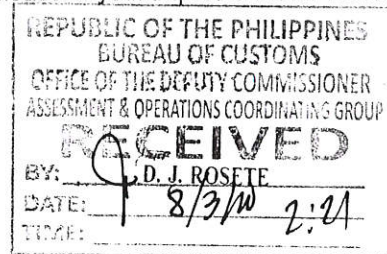
In this connection, we would like to respectfully inform your good office that there is no need for your Embassy to secure a **DTI CAI** (including a **Release Certificate or RC**), and that this Department **poses no objection** to the immediate release of your imported motor vehicle by the **Bureau of Customs (BOC)**.

Thank you.

Very truly yours,



RAMON M. LOPEZ
Secretary



cc: ~~Commissioner Leonardo B. Guerrero~~, Bureau of Customs
Usec. Ruth B. Castelo, DTI-CPG
Dir. Ronnel O. Abrenica, DTI-FTEB

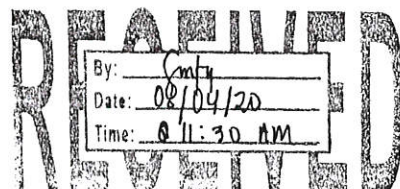
OFFICE OF THE SECRETARY

reap-kell amb nz emb request (EX134074)
5F Industry & Investments Building
385 Sen. Gil J. Puyat Ave., Makati City 1200, Philippines

17-July-2020
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www.dti.gov.ph

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(+632) 896.1166
Secretary@dti.gov.ph

OFFICE OF THE DIRECTOR
IAS





29 July 2020



H.E. PETER FRANCIS KELL
Ambassador
New Zealand Embassy
35th Floor, Zuellig Building
Makati Ave. cor. Paseo de Roxas
Makati City 1225, Metro Manila

Dear Ambassador Kell,

This refers to your 15 July 2020 letter requesting this Department for exemption/waiver from the requirement to secure a DTI Certificate of Authority to Import (CAI) relative to the importation of one (1) unit of Toyota Lexus RX350 (June 2020 Model/Make) for the official use of the New Zealand Embassy and which arrived in the Philippines on 09 July 2020.

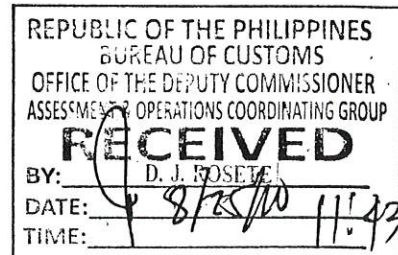
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In this connection, we would like to respectfully inform your good office that there is no need for your Embassy to secure a DTI CAI (including a Release Certificate or RC), and that this Department poses no objection to the immediate release of your imported motor vehicle by the Bureau of Customs (BOC).

Thank you.

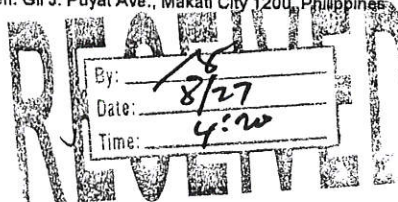
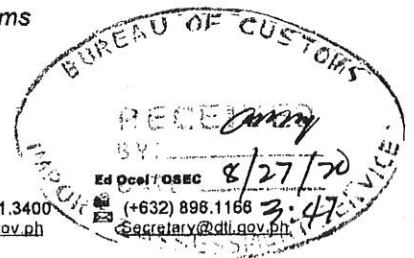
Very truly yours,

RAMON M. LOPEZ
Secretary

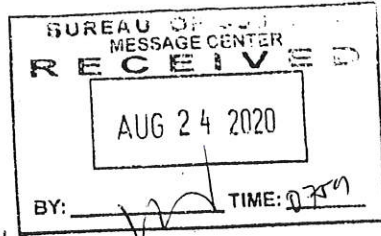


cc: Commissioner Leonardo B. Guerrero, Bureau of Customs
Usec. Ruth B. Castelo, DTI-CPG
Dir. Ronnel O. Abrenica, DTI-FEB

OFFICE OF THE SECRETARY
OFFICE OF THE DIRECTOR
5F Industry & Investments Building
385 Sen. Gil J. Puyat Ave., Makati City 1200, Philippines



30 July 2020



USEC. CHERYL MARIE NATIVIDAD-CABALLERO
Chief of Staff, Office of the Secretary
Department of Agriculture
Elliptical Road, Diliman, 1100 Quezon City

Dear Undersecretary Caballero,

This refers to your 11 June 2020 letter requesting this Department for exemption/waiver from the requirement to secure a DTI Certificate of Authority to Import (CAI) and Release Certificate (RC) relative to the importation of a used motor vehicle from Tokyo, Japan by returning Agriculture Attaché Dr. Samuel Animas who was recalled from the Philippine Embassy in Tokyo in December 2019.

We have taken note as mentioned in your letter that Dr. Animas handed his application for CAI to the DA Liaison Officer for filing with the DTI around third week of February 2020, and that regretfully, there was an oversight and miscommunication with the DA Liaison Officer resulting in the failure to file the CAI application on time. We also note that the vehicle was shipped on 25 February 2020 and arrived at the Port of Manila on 14 March 2020, and its release is still being processed by the Bureau of Customs (BOC) pending the submission of the CAI.

Considering that there was a manifest intention by Dr. Animas to file a CAI application to comply with the DTI requirement, his apparent good faith bears reconsideration. Moreover, the failure of the DA Liaison Officer to secure the CAI on time is beyond the control of Dr. Animas and should not be attributable to him.

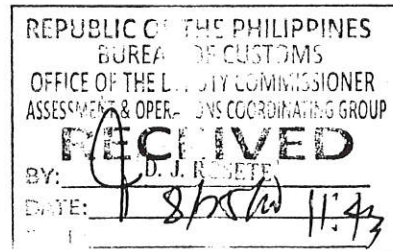
In this connection, we would like to respectfully inform your good office that this Department poses no objection to your request on behalf of Dr. Animas for exemption/waiver from the CAI and RC requirements relative to the importation of his used motor vehicle.

Attached please find a copy of the 25 July 2020 Memorandum of Dir. Ronnel O. Abrenica of the DTI's Fair Trade Enforcement Bureau (FTEB) as concurred by Usec. Ruth B. Castelo of the DTI Consumer Protection Group (CPG) - regarding their evaluation and assessment of this matter.

We hope this would be of assistance. Thank you.

Very truly yours,

RAMON M. LOPEZ
Secretary

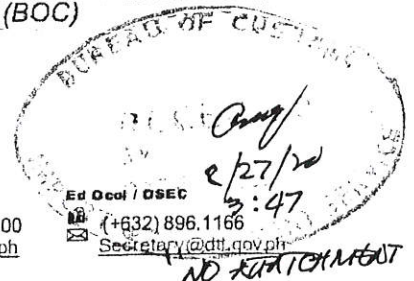


cc: Commissioner Leonardo B. Guerrero, Bureau of Customs (BOC)
Usec. Ruth B. Castelo, DTI-CPG TOR
Dir. Ronnel O. Abrenica, DTI-FTEB

OFFICE OF THE SECRETARY

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NO ATTACHMENT