



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
BUREAU OF CUSTOMS  
MANILA

September 13, 1995

**CUSTOMS MEMORANDUM ORDER**

No. 3-95-E

TO : All Collectors of Customs/ Service Chiefs/  
Division Chiefs/ Customs Appraisers/  
Customs Brokers/ Importers

SUBJECT : Supplementary Provisions to CMO 3-95, as  
amended.

I. OBJECTIVE :

To harmonize the provisions of Customs Administrative Order No. 2-95 entitled : "MANDATORY FILING OF ENTRY AND PAYMENT OF DUTIES AND TAXES TO THE AUTHORIZED AGENTS BANKS (AAB'S) AS FIRST STEP IN CUSTOMS CLEARANCE FOR SHIPMENTS COVERED BY CONSUMPTION ENTRIES", with the existing procedure on the tentative release of shipments whose covering SGS CRF value and/or classification is being questioned under CMO 3-95, as amended.

II. ADMINISTRATIVE PROVISIONS :

1. All declarations in the entry should always be based on the SGS Clean Report of Findings. However, for purposes of initial payment of duties and taxes to the AAB's pursuant to Section 2.1 of CAO 2-95, the importer shall make a computation of duties and taxes based on his invoice or his evidence, whichever is higher. Initial payment of duties and taxes under this provision shall, by no means, bind the Appeals Committee Secretariat to automatically grant the request for tentative release. The request shall still be determined as to its merits conformably with CMO 3-95, as amended.
2. The Appeals Committee Secretariat will not entertain requests for tentative release under CMO 3-95, as amended, unless proof of initial payment of duties and taxes based on the invoice or importer's evidence, whichever is higher, has been presented in accordance with Section 2.3 of CAO 2-95.

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3. In the filling out of boxes number 64 and 65 of the present Import Entry Form, the Appraiser concerned shall determine the computation of duties and taxes due on the CRF (Box 64) as against that due on the importer's invoice or importer's evidence, or any other applicable value information available on file, e.g. published value, established value, previous CRF and the like, whichever is highest (Box 65). The amount of guaranty to be required of the importer availing of tentative release shall be the difference between the duties and taxes due on the CRF and the duties and taxes due on the importer's invoice, importer's evidence, or other applicable value information available on file, whichever is highest. If the initial payment of duties and taxes made to the AAB's pursuant to Section 2.1 of CAO 2-95, is deficient compared to the duties and taxes due as determined by the Appraiser on the importer's invoice, importer's evidence, or other applicable value information on file, whichever is highest, then the importer shall be required to make additional payment of duties and taxes due on the highest value information among the invoice, evidence, other applicable value information. In cases where the request for tentative release is denied or is withdrawn then payment shall be made on the CRF value/classification in full.

### III. OPERATIONAL PROVISIONS :

1. An applicant for tentative release should first fill out the referral sheet including the space provided for the computation of duties and taxes due based on the importer's invoice or evidence, whichever is higher. For the purpose, the present Referral Sheet Form shall include an information space for the computation of duties and taxes that the applicant will pay based on his invoice or evidence whichever is higher, less any initial payment already made in the Import Entry Declaration for Letter of Credit (LC) - covered shipments. Declaration in the entry shall, however, be based on the CRF findings.
2. The applicant shall go to the AAB for initial payment of duties and taxes pursuant to Section 2.1 of CAO 2-95.
3. After the provisions of CAO 2-95 have been complied with, the applicant shall file the referral sheet with the Appeals Committee Secretariat together with the other standard requirements defined in CMO 3-95, as amended.

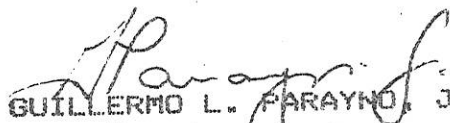
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IV. AMENDATORY PROVISIONS:

All provisions of existing Orders or Memoranda inconsistent herewith shall be deemed repealed and/or modified accordingly.

V. EFFECTIVITY :

This order shall take effect on September 15, 1995.

  
GUILLERMO L. PARAYNO, JR.  
Commissioner

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ANNEX "A"

IMPORTER'S REFERRAL/INFORMATION SHEET

[N.B. : Importer/broker must submit this, duly accomplished, directly to the Appeals Committee Secretariat/Chief, FED (for outports)/equivalent unit, concerned.]

SUBJECT : Shipment of \_\_\_\_\_

Pursuant to CMO No. \_\_\_\_\_, this referral/information sheet is respectfully submitted, hereby furnishing the particulars, as follows:

1. CONSIGNEE/IMPORTER NAME : \_\_\_\_\_  
 Complete Office Address : \_\_\_\_\_ Tel.No. \_\_\_\_\_  
 BOC Registration/Accreditation No. \_\_\_\_\_  
 BOI Registration No. \_\_\_\_\_ and CAI \_\_\_\_\_  
 GTEB Registration No. \_\_\_\_\_ Others (specify) \_\_\_\_\_
- BROKERAGE : \_\_\_\_\_  
 Complete Office Address : \_\_\_\_\_ Tel.No. \_\_\_\_\_  
 BOC License No. \_\_\_\_\_
3. Vessel : \_\_\_\_\_ Voyager No. \_\_\_\_\_  
 Bill of Lading/Airwaybill No. \_\_\_\_\_  
 Country of Exportation \_\_\_\_\_  
 Mode of Payment \_\_\_\_\_
4. CRF Number \_\_\_\_\_
5. Table of Dispute (Not to be accomplished for lack of SGS-CRF cases. Only commodities disputed to be listed. Make one entry per disputed commodity)
  - a. Technical Description : \_\_\_\_\_
  - Commercial Description: \_\_\_\_\_
  - Model : \_\_\_\_\_
  - Brand : \_\_\_\_\_
  - Part No. : \_\_\_\_\_
- HS Code \_\_\_\_\_
- Per CRF : \_\_\_\_\_
- Per Declaration : \_\_\_\_\_

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FMV

Per CRF : \_\_\_\_\_  
Per Declaration : \_\_\_\_\_

FREIGHT

Per CRF : \_\_\_\_\_  
Per Declaration : \_\_\_\_\_

DUTIABLE CHARGES

Per CRF : \_\_\_\_\_  
Per Declaration : \_\_\_\_\_

6. REQUIRED DOCUMENTS HERETO ATTACHED :

6.1 Position paper and documentary evidence (if issue is valuation and/or classification).

N.B. : Tentative release shall not be acted upon without the required position paper.

6.2 Computation of the company post-dated check in the amount of # \_\_\_\_\_ (subject to verification by Examiner/Appraiser).

6.3 L/C No. \_\_\_\_\_, date issued \_\_\_\_\_  
Name of bank/branch : \_\_\_\_\_

6.4 SGS-CRF No. \_\_\_\_\_; I.A.N. No. \_\_\_\_\_

6.5 Invoice No. \_\_\_\_\_; Date \_\_\_\_\_

7. OTHER DOCUMENTS/INFORMATION : \_\_\_\_\_

8. U N D E R T A K I N G

I, \_\_\_\_\_, for and on behalf of our company and on my own, do hereby certify that the foregoing information and the documents hereto attached are true, authentic and genuine to the best of my knowledge and belief. We understand, that any false statement, misrepresentation and/or non-disclosure of any material fact in connection herewith and subject shipment shall be dealt with accordingly by the proper authority, including the institution of criminal and administrative action against myself and/or herein-named company.

Submitted hereto attached is the Board Resolution authorizing the execution and submission of this documents to the Bureau of Customs.

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COMPANY NAME  
By :

.....  
Affiant

.....  
Position

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, affiant exhibiting to me his TIN No. \_\_\_\_\_  
issued by \_\_\_\_\_ on \_\_\_\_\_

.....  
Officer Authorized to Administer Oath

COMPUTATION OF DUTIES AND TAXES  
BASED ON IMPORTER'S INVOICE  
OR EVIDENCE WHICHEVER IS HIGHER

USD \_\_\_\_\_ FMV (Invoice/evidence)  
\_\_\_\_\_ Freight  
\_\_\_\_\_ Insurance  
\_\_\_\_\_ Other Dutiable Charges

USD \_\_\_\_\_ Dutiable Value

\_\_\_\_\_ Rate of Exchange

Summary:

PHP \_\_\_\_\_ D.V. in Pesos

Duty \_\_\_\_\_

\_\_\_\_\_ Rate of Duty

VAT \_\_\_\_\_

\_\_\_\_\_ Duty

TOTAL \_\_\_\_\_

\_\_\_\_\_ Dutiable Value

Less : Amt. of Duty  
Paid in IED \_\_\_\_\_

\_\_\_\_\_ Other Taxable Charges

TOTAL Amt. Payable

In Figures : \_\_\_\_\_

In Words : \_\_\_\_\_

\_\_\_\_\_ Landed Cost

\_\_\_\_\_ VAT Rate

\_\_\_\_\_ VAT

N.B. (If Entry involves items with different rates of duty please use  
back space of the Referral Sheet).

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