

Republic of the Philippines  
Department of Finance  
BUREAU OF CUSTOMS  
M a n i l a

15 November 1993

CUSTOMS MEMORANDUM ORDER  
NO. 62-93

All Collectors of Customs  
All Others Concerned

SUBJECT : TRANSSHIPMENT OF FOREIGN CIGARETTES

To insure the exportation of imported cigarettes which are being entered into the country on a temporary basis and for transshipment to foreign ports, the following measures are hereby prescribed to supplement other existing measures applicable on the subject:

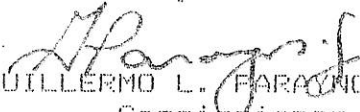
1. The application for transshipment must be accompanied by a listing of the quantity and kind of cigarettes on each inbound container.
2. If such a list is unavailable, the application may be provisionally approved conditioned upon the presentation of the devanning report of each inbound container with the same information as in No. 1 above.
3. If on the basis of the listings in 1 & 2 above, there are cigarette brands that are popular in the domestic market, the approving authority must ALERT the Bureau's law enforcement agencies accordingly. The latter may then conduct monitoring and surveillance operations but without, however, causing undue delay in the processing of the application. The shipping agent shall be required to present the ship's sailing plan for reference purposes.
4. Within FORTY-EIGHT (48) hours after the carrying vessel's departure, the shipping agent must submit to the Deputy Collector for Operations copies of the bill of lading for the cargo and the vessel's outward foreign cargo manifest.
5. The shipping company/agent who applied for the transshipment of such cargo shall, within FIFTEEN (15) days from the departure of the carrying vessel, submit a certification from the consignee thereof that the latter has received the shipment, together

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with a certified true copy of the inward foreign manifest submitted to, received by, and properly stamped by the authorities in the port of destination.

6. Transshipment cargoes consisting of imported foreign cigarettes, as an exception to Title II, 2.1. of Customs Memorandum Order 22-93, may be allowed to stay in the port for a period not exceeding FIVE (5) days after which they shall be subject to the charges imposed under Paragraph III of the same memorandum order, i.e., all such overstaying cargoes shall be assessed a supervision fee of P800.00 per container regardless of size, or P10.00 per revenue ton of breakbulk cargo, per day of extended stay, to be paid by the shipping company or agent concerned to the District Collector of Customs upon their loading or withdrawal.
7. The Deputy Collector for Operations must institute an accounting system of all shipments covered by this Order and submit a report to the Commissioner of Customs on all unaccounted shipments or on shipments suspected of having been diverted from its intended destination.
8. The participation of the domestic cigarette manufacturers must be enlisted in the monitoring of this activity to prevent diversions and to prevent fraud on government revenues.
9. For ports where there are no deputy collectors for operations, the Collector must designate an action officer with the overall responsibility for accomplishing the objectives of this order.

This Order shall take effect immediately.

  
GUILLERMO L. FARAYNO, JR.  
Commissioner



BUREAU OF CUSTOMS  
Collection District II-B

Pinas  
Ince

CMD-62-93

MANILA INTERNATIONAL CONTAINER PORT

MEMORANDUM

FOR : The Hon. Commissioner  
FROM : Coll. Max Cruz  
SUBJECT: TRANSSHIPMENT OF FOREIGN CIGARETTES  
DATE: 15 November 1993

*Mark: This program needs an OK. Has about the same amount of the submission. How about the amount of the submission? The amount of the submission is a problem for the submission.*

This is in connection with our meeting with the local cigarette manufacturers as well as shipping lines' agents held last Tuesday, November, to discuss the Memorandum dated 27 October 1993 issued by the Hon. Commissioner treating on the transshipment of foreign cigarettes.

The group found most of the provisions contained therein acceptable except for provision no. 5 to which the shipping agents reacted claiming that a certificate of landing is extremely difficult to secure since no port authority would dare issue one lest it would unnecessarily expose itself to claims in case some articles, which it has certified to have been landed, were lost. Collector Semen Dimaguila, which presided over the meeting, was forced to call for another meeting on 12 November so that this issue can be smoothly ironed out.

In the second meeting, Collector Dimaguila and I proposed that in lieu of the certificate of landing, two (2) documents shall be submitted namely a) acknowledgment of consignee regarding receipt of goods and b) certified true copy of the inward foreign manifest submitted to and received by the proper authorities in the port of destination which to our mind would effectively serve as a substitute for the certificate of landing.

The group agreed to these proposals. We likewise fixed a 15-day period for the submission of said documents reckoned from the date of departure of the vessel from the transshipment port.

Other modifications:

Memorandum of 27 October

Proposed Modifications

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| <p>3. "If on the basis of the listings in 1 &amp; 2 above, there are cigarette brands that are popular in the domestic market, the approving authority must alert the Bureau's law enforcement agencies so that monitoring and surveillance operations may be undertaken as necessary . . . . ."</p> | <p>3. "If on the basis of the listings in 1 &amp; 2 above, there are cigarette brands that are popular in the domestic market, the approving authority must alert the Bureau's law enforcement agencies accordingly. <u>The latter may then conduct monitoring and surveillance operations but without, however, causing undue delay in the processing of the application . . . . .</u>"</p> |
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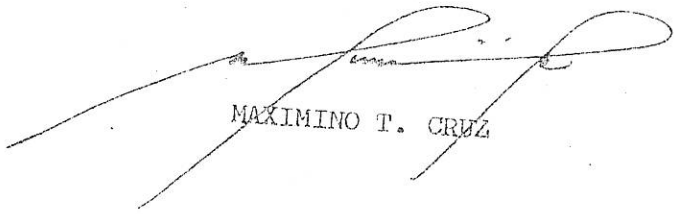
OFFICE OF THE COMMISSIONER  
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RECEIVED BY: *[Signature]*  
DATE: 11/15/93

OFFICE OF THE  
DEPUTY COMMISSIONER  
OF REVENUE

MEMO 61-93

4. "Within 48-hours after the carrying vessel's departure, the shipping agent must submit to the Deputy Collector for Operations copies of the bill of lading for the export shipment (s) "
4. " Within Forty-Eight (48) hrs. after the carrying vessel's departure, the shipping agent must submit to the Deputy Collector for Operations copies of the bill of lading for the cargo and the vessel's outward foreign cargo manifest"

If the Commissioner conforms, attached is a proposed Memo for his signature.



MAXIMINO T. CRUZ

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
BUREAU OF CUSTOMS  
MANILA



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
BUREAU OF CUSTOMS  
MANILA

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CMD-62-8

27 October 1993

MEMORANDUM to :

All Collectors of Customs  
All Others Concerned

Subject : TRANSSHIPMENT OF FOREIGN CIGARETTES

To insure the re-exportation of imported cigarettes which are being entered into the country on a temporary basis and for transshipment to foreign ports, the following measures are hereby prescribed to supplement other existing measures applicable on the subject:

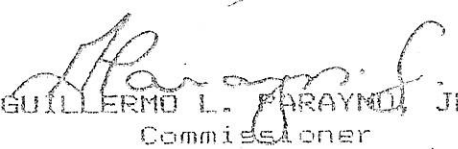
1. The application for transshipment must be accompanied by a listing of the quantity and kind of cigarettes on each inbound container.
2. If such a list is unavailable, the application may be provisionally approved conditioned upon the presentation of the devanning report of each inbound container with the same information as in 1 above.
3. If on the basis of the listings in 1 & 2 above, there are cigarettes brands that are popular in the domestic market, the approving authority must ALERT the Bureau's law enforcement agencies accordingly so that monitoring and surveillance operations may be undertaken as necessary. The shipping agent must be required to present the ships sailing plan for reference purposes.
4. Within 48-hours after the carrying vessel's departure, the shipping agent must submit to the Deputy Collector for Operations copies of the bill of lading for the export shipment(s).

*RP*

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5. Within a reasonable time after the departure of the vessel taking into account normal sailing times, the exporter must submit to the Deputy Collector for Operations or similar office of the Port a certification of Landing from the port authorities concerned.
6. The Deputy Collector for Operations must institute an accounting system of all shipments covered by this order and submit a report to the Commissioner of Customs on all unaccounted shipments or shipments suspected of having been diverted from its intended destination.
7. The participation of the domestic cigarette manufacturers must be enlisted in the monitoring of this activity to prevent diversions and to prevent fraud on government revenues.
8. For ports where there are no deputy collectors for operations, the Collector must designate an action officer with the overall responsibility for accomplishing the objectives of this order.

This order shall take effect immediately.

  
GUILLERMO L. FARAYMO, JR.  
Commissioner

Jennie