INTERNAL ADMINISTRATION GROUP CENTRAL RECORDS MANAGEMENT DIVISION

July 08, 2019

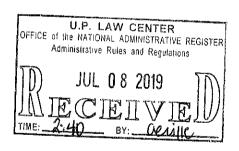
The Director

Office of the National Administrative Register (ONAR) UP Law Center Diliman, Quezon City

Sir/Ma'am:

Transmitted are three certified true copies and soft copy (word format in compact disc rewritable) of the following Customs Memorandum Order, to wit:

CMO 32-2019: GUIDELINES IN THE IMPLEMENTATION OF SPECIAL CARGO CLEARANCE PROCEDURE FOR QUALIFIED ENTERPRISES AT THE PORTS/SUBPORTS OF MINDANAO AND PALAWAN PURSUANT TO BRUNEI, INDONESIA, MALAYSIA, PHILIPPINES- EAST ASEAN GROWTH AREA (BIMPEAGA) ECONOMIC COOPERATION.



Very truly yours,

Howbug —
GLADYS C. CABUGAWAN
Chief, CRMD



REPUBLIC OF THE PHILIPPINES DEPARTMENT OF FINANCE BUREAU OF CUSTOMS MANILA 1099

Date

July 2, 2019

	U.P. LAW CENTER OFFICE of the NATIONAL ADMINISTRATIVE REGISTS Administrative Rules and Regulations				
CUSTOMS MEMORANDUM ORDER (CMO)	JUL 0 8 2019 M				
no. <u>32-2019</u>	MECEINEM				
	TIME: 2:40 BY: CALL				

SUBJECT: GUIDELINES IN THE IMPLEMENTATION OF SPECIAL CARGO CLEARANCE PROCEDURE FOR QUALIFIED ENTERPRISES AT THE PORTS/SUBPORTS OF MINDANAO AND PALAWAN PURSUANT TO BRUNEI, INDONESIA, MALAYSIA, PHILIPPINES - EAST ASEAN GROWTH AREA (BIMP-EAGA) ECONOMIC COOPERATION

Section 1. Scope. This CMO applies to Qualified Enterprises engaged in the importation and exportation of goods within the BIMP-EAGA.

Section 2. Objectives.

- **2.1.** To facilitate trade between the Philippines, Brunei, Indonesia and Malaysia as a sub-regional economic cooperation initiative under the East ASEAN Growth Area;
- **2.2.** To prescribe simpler customs clearance procedure in the importation and exportation of goods from and to BIMP-EAGA member countries by Qualified Enterprise;
- 2.3. To maximize revenue collection within the BIMP-EAGA trade ports;
- **2.4.** To prevent and suppress all forms of smuggling and other fraud against Customs Revenue; and
- **2.5.** To provide a system of registration for Qualified Enterprises covered by the BIMP EAGA initiative.
- **Section 3.** <u>Definition of Terms</u>. For purposes of this CMO, the following terms are defined as follows:

Certified True Copy_{3.1}. BIMP-EAGA – shall refer to Brunei Darussalam, Indonesia, Malaysia, Philippines East-ASEAN Growth Area.

Raquel G. De Jesus 3.2. Philippine-EAGA (P-EAGA) — Shall refer to the entire island of SVCOO Mindanao and island province of Palawan.

- **3.2.** Philippine-EAGA (P-EAGA) Shall refer to the entire island of Mindanao and island province of Palawan.
- **3.3. P-EAGA Ports and Subports** shall refer to the ports of Zamboanga, Davao, Cagayan de Oro, Surigao and the Sub Port of Puerto Princesa, Palawan, including Brookes Point and Buliluyan, and other ports as may be designated as such.
- **3.4. Certificate of Origin** The Bureau shall refer to the declaration of the Exporter, certified by the BOC or any other authorized government agency, that his or her export complies with the origin requirements specified under bilateral, regional or multilateral trading arrangements to which the Philippines is a party.¹
- 3.5. Client Profile Recording System (previously known as the Client Profile Registration System) shall refer to the process wherein client information obtained during the accreditation or registration of various clients and stakeholders is captured and recorded. Enrollment in the Bureau's Client Profile Recording System (CPRS) shall be mandatory for all micro and small enterprises exporting goods to the EAGA.
- **3.6. Exporter** shall refer to an individual or any juridical entity which exports or bring out goods from Philippines to BIMP-EAGA.
- **3.7.** Importer/Trader shall refer to an individual or any juridical entity which imports or bring goods into the BIMP-EAGA area.
- **3.8. Micro** shall refer to enterprise duly registered in the appropriate government agencies with the minimum capitalization of three Million Pesos (Php3, 000,000.00) and below.
- **3.9. MinDA** shall refer to Mindanao Development Authority which is the national secretariat of Philippine East ASEAN Growth Area (P-EAGA).
- 3.10.Non-Commercial shall refer to goods, not otherwise falling under the definition of personal and household effects that are not intended to be used for any commercial purposes, including sale, lease, hire or barter.
- **3.11.Qualified Enterprises** shall refer to entities duly registered with the appropriate government agencies which may be classified as Micro and Small depending on their capitalization as may be required under existing laws rules and regulations.

3.12.Registration — shall refer only to the process of recording and/or registering of Qualified Enterprises, whether natural or juridical, for

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¹ cf PD 930 Section 1.C; CMTA, Title V, Chapter 1, Section 503

them to be able to transact and conduct business with the Bureau relative to goods imported and exported into BIMP-EAGA, subject however to conditions and restrictions as herein provided.

- 3.13.Regulated Importation and Exportation goods which are subject to regulation shall be imported or exported only after securing the necessary goods declaration or export declaration, clearances, licenses, and any other requirements, prior to importation or exportation. In case of importation, submission of requirements after arrival of the goods but prior to release from customs custody shall be allowed but only in cases provided for by governing laws or regulations.²
- **3.14.Small** shall refer to enterprise duly registered in the appropriate government agencies with the minimum capitalization of Three Million and One Peso (Php3, 000,001.00) to Fifteen Million Pesos (Php15, 000,000.00).

Section 4. General Provisions.

- **4.1.** Registration of Qualified Enterprise. Micro and small entrepreneurs shall be required to register prior to transacting with the Bureau. In its dealings and transactions with the Bureau, he or she shall undertake to follow and comply with the customs laws, rules and regulations. In addition, he/she shall be truthful and responsible for the accuracy in the import entry declaration as well as corresponding value and classification.
- **4.2.** Requirements for Registration. The application for registration, either as Importer or Exporter, shall be filed directly with the District Collector and in the case of Puerto Princesa with the Subport Collector, and must be accompanied with the certified true copies of the following:
 - **a.** Department of Trade and Industry (DTI) registration for Single/Sole Proprietorship;
 - **b.** Barangay Micro Business Enterprise (BMBE) Certification from DTI, if applicable;
 - c. Bureau of Internal Revenue (BIR) Registration Certification;
 - d. Business permit from the Local Government;
 - **e.** At least one (1) valid government issued ID or Passport of the Proprietor;
 - **f.** Certificate of Accreditation from the Cooperative Development Authority, in case of cooperative; and
 - **g.** License to Import issued by concerned government agency (eg. BPI, BAI, SRA, DTI, FDA, etc.), if applicable.

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² cf Section 117 CMTA

Accreditation as an exporter by the Philippine Exporters Confederation Incorporated (PhilExport) shall no longer be required for the registration of micro and small enterprises transacting within the P-EAGA.

4.3. Registration Fees. The payment of registration fees shall be in accordance with the prescribed rates as may be provided under existing rules and regulations.

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- **4.4.** Responsibilities of District/Subport Collectors. The Port or Subport Collector shall perform the following functions:
 - **a.** Receive and process applications for the registration;
 - **b.** Evaluate the application for the registration of micro and small entrepreneurs desiring to conduct their business within the areas of BIMP-EAGA;
 - **c.** If the application for registration is filed in the Port, the District Collector shall approve or disapprove the application;
 - **d.** If the application for registration is filed in the Subport, the Subport Collector shall recommend to the District Collector for the approval or disapproval of the application;
 - **e.** Keep and maintain file of all the BIMP EAGA registered Importers and Exporters; and
 - **f**.Such other task as may be directed by the Commissioner or his authorized representative.

The District Collectors/Subport Collectors shall assign personnel from within the port to accept and process applications for accreditation filed in their respective areas of jurisdiction, provided however that site inspection of the business address of the applicant-enterprise shall be conducted by the CIIS of the Port.

- **4.5.** Validity Period of Registration. Unless otherwise provided by the Commissioner, the customs registration shall be valid for a period of three (3) years from the date of its approval, subject, however, to suspension, revocation or cancellation as herein provided.
- **4.6.** <u>Issuance and Validity of the Certificate of Registration.</u>
 <u>Upon</u> approval of the application by the concerned District Collector, a Certificate of Registration shall be issued to the applicant micro entrepreneur under Bureau's official seal.

Renewal of Registration. Application for renewal shall be filed within thirty (30) calendar days prior to the expiration of the validity period. Application for renewal filed after the expiration of the registration shall be considered as new application and subject to the provision of Section 4.2. of this Order.

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4.8. Mandatory Maintenance and Updating of Electronic Mail Addresses and Contact Numbers. It shall be mandatory for registered Importers to provide their existing, accurate and official e-mail addresses and contact numbers, and changes, modification or update thereto where the Bureau shall send notices and communications such as urgent notice to file entry and other such notices.

Notices and communications sent to the registered Importer's official e-mail addresses shall be deemed received, unless the non-delivery thereof is attributable to the Bureau or due to system error.

4.9. Manual Processing of Goods Declaration. The processing of goods declaration for all imports and exports into and from the P-EAGA shall be done manually following the procedures outlined in this Order, using the informal entry declaration form, regardless of the value.

Section 5. Operational Provisions.

- **5.1.** Cargo Clearance Process for Imported Goods. Consistent with the objectives of BIMP-EAGA, the following are the documentary requirements for the clearance of imported goods consigned to registered Micro and Small Entrepreneur:
 - a. Duly accomplished Informal Entry form;
 - **b.** Commercial or Non Commercial Invoice whichever is applicable;
 - c. Packing list;
 - **d.** Bill of lading;
 - e. Import Permit/Clearance for regulated items, if necessary
 - f. Commodity clearance for plant and plant products;
 - **g.** Photocopy of Certificate of Registration from the District Collector of the Port concerned; and
 - **h.** Certificate of Origin or any proof of origin.
- **5.2.** The manual processing of goods declaration shall observe the following procedures:
 - **5.2.1.** Upon arrival of the carrying vessel, the consignee/customs broker/authorized representative shall file the informal import entry for the computation of duties and taxes;
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- **5.2.2.** The duly authorized customs officer at the Entry Processing Unit (EPU) of the port shall verify the completeness and accuracy of the documentary requirements submitted by the Importer;
- **5.2.3.** After verification, the customs officer at the EPU shall assign an entry number and transmit the documents to the Chief

of the Assessment Division/Section for assignment of a customs examiner (COO III);

- **5.2.4.** The customs examiner (COO III) shall conduct an examination of the cargo, forward the complete documents with his/her findings to the Customs Operations Officer V (COO V). In cases where there is no COO V in the port, the customs examiner shall forward the documents with his/her findings to the Chief of Assessment Division/Section for the assessment of the goods;
 - **5.2.5.** The COO V or the Chief of Assessment Division/Section shall forward the informal entry and its supporting documents to the cashier for payment of the assessed duties, taxes and other charges;
 - **5.2.6.** Upon payment by the consignee, the cashier shall issue the official receipt;
 - **5.2.7.** After payment of duties and taxes, if any, the cashier forwards the documents together with the official receipt to the releasing clerk;
 - **5.2.8.** The consignee/customs broker shall present the Official Receipt (OR) to the Customs Officer on duty for the checking of the information contained therein it if matches in the import entry; and
 - **5.2.9.** Once checked and found accurate, the Customs Officer on duty shall stamp "Released" on the informal entry.

5.3. Export Processing.

5.3.1. Export Declaration (ED). All shipments intended for export shall be covered with a Goods Declaration for the Export electronically lodged by Exporters or authorized representatives to the Bureau's automated system.

The description of goods in the ED must contain sufficient and specific information for statistical purposes as well as for the proper valuation and classification of the goods.³

Certified True Copy 5.3.2. Manual Processing. In the event that electronic lodgement will not be available, manual processing of Goods Declaration for Export may be allowed subject to compliance with customs rules and regulations.⁴

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³ cf CMTA, Title V, Chapter 1, Section 500 ⁴ cf CMO 54-2010, Sec. 7

- **5.3.3. Documentary Requirements.** Until such time the Bureau is operating in a paperless environment, the printout of Goods Declaration for Export which is signed by the Exporter or authorized representative, must be submitted to the Export Division or its equivalent office or unit, together with the following documents:
 - a. Bill of Lading;
 - **b.** Proforma/Commercial Invoice;
 - c. Packing List;
 - **d.** Photocopy of Certificate of Registration from the District Collector of the Port concerned;
 - **e.** Documents as may be required by rules and regulations, such as:
 - Clearance or permits from concerned regulatory agency; and
 - ii. Certificate of Origin; and
 - f. Other documents as may be required by the importing country from any concerned agency.
 - **5.4. Regulated Importation and Exportation.** Goods which are subject to regulation shall be imported or exported only after securing the necessary goods declaration or export declaration, clearances, licenses, and any other requirements, prior to importation or exportation. In case of importation, submission of requirements after arrival of the goods but prior to release from customs custody shall be allowed but only in cases provided for by governing laws or regulations.⁵
 - **5.5. Prohibited Importation.** The importation of the following goods are prohibited:
 - (a) Written or printed goods in any form containing any matter advocating or inciting treason, rebellion, insurrection, sedition against the government of the Philippines, or forcible resistance to any law of the Philippines, or written or printed goods containing any threat to take the life of, or inflict bodily harm upon any person in the Philippines;
 - (b) Goods, instruments, drugs and substances designed, intended or adapted for producing unlawful abortion, or any printed matter which advertises, describes or gives direct or indirect information where, how or by whom unlawful abortion is committed;
 - (c) Written or printed goods, negatives or cinematographic films, photographs, engravings, lithographs, objects, paintings, drawings or other representation of an obscene or immoral character;

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⁵ cf CMTA, Title I, Chapter 3, Section 117.

- (d) Any goods manufactured in whole or in part of gold, silver or other precious metals or alloys and the stamp, brand or mark does not Indicate the actual fineness of quality of the metals or alloys;
- (e) Any adulterated or misbranded food or goods for human consumption or any adulterated or misbranded drug in violation of relevant laws and regulations;6
- **5.6.** De Minimis Importation. Importation of goods for which no duty or tax is collected. Goods with FOB or FCA value of ten thousand pesos (₱10,000.00)⁷ or below are considered importations of negligible amount and entitled to immediate release.
- **5.7.** Provisional Goods Declaration. Provisional goods declaration may be allowed in order to facilitate trade and to prevent goods from being declared abandoned. The Bureau shall assign a specific code to identify that the goods declaration is provisional in nature upon lodgement. Goods declaration shall be considered full and complete insofar as supporting documents and information are concerned if the declarant does not indicate the provisional nature of such lodgement.8
 - **5.4.1.** Lodgement of provisional goods declaration may be allowed in the following circumstances:
 - **i.** When no regulatory permit, clearance or license has been presented at the time of lodgement, provided that the Importer has filed his application for such permit, clearance or license, prior to the departure of the goods from the country of origin or the arrival of the goods into the Philippines, depending on the policy of the concerned regulatory agency;
 - ii. Any other situation where the declarant lacks certain information or document to make a complete goods declaration provided it is not due to the declarant's negligence or fault.

5.4.2. Lodgement of provisional goods declaration may be allowed provided the following documents are presented:

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i. Proforma invoice;

ii. Duly endorsed BL or AWB, or in the absence thereof, a written order by the carrier or agent of the vessel or aircraft;

⁶ cf CMTA, Title I, Chapter 3, Section 118.

⁷ cf CMTA, Title IV, Chapter 3, Section 423.

⁸ cf. CMTA, Title IV, Chapter 1, Section 403; cf RKC, General Annex, Chapter 3(a) "Goods declaration format and contents", Section 3.13.

- iii. Advanced copies of Certificate of Origin, if applicable; and
- iv. Duly notarized undertaking by the declarant that the other supporting documents required shall be submitted within forty-five (45) calendar days from lodgement of provisional goods declaration. The 45-day period may be extended for another 45 days for valid reasons upon approval of the written request by the Collector of Customs, provided that the said request for extension is made prior to the lapse of the original 45-day period.

The original grounds for filing a provisional goods declaration should be the same reasons for the extension of the period to submit the required document. Further, the request for extension of period to submit the required documents shall be under pain of falsification for untruthful narration of facts.

- **5.4.3.** Effects of provisional goods declaration.
 - i. If the Collector of Customs accepts a provisional goods declaration, the duty and tax treatment of the goods shall not be different from that of goods with complete declaration;9
 - ii. Tentative assessment of duties, taxes and other charges on goods covered by a provisional goods declaration shall be completed upon final readjustment and submission by the declarant of the additional information or documentation required to complete the goods declaration within forty-five (45) calendar days from the lodgement of the provisional goods declaration, subject to extension period of another fortyfive (45) days for valid reasons;10
- **5.4.4.** The conditional release of goods under provisional goods declaration shall be governed by the following rules:
 - a. In case of regulated shipments, the conditional release of goods shall not be permitted unless the regulatory agency concerned allows¹¹ such release subject to the following conditions:

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i. Goods shall be delivered to the Importer's premises for storage and shall not be disposed until the required permit,

⁹ cf. CMTA, Title IV, Chapter 1, Section 403, 2nd paragraph; cf RKC, General Annex, Chapter 3(b) "The Goods declaration",

¹⁰ cf. CMTA, Title IV, Chapter 3, Section 426.

¹¹ In cases where regulatory agency through its existing regulations allows the submission of permit, clearance or license after arrival of the goods but prior to release from customs custody, e.g., Bureau of Internal Revenue (BIR) Authority to Release Imported Goods (ATRIG), Bureau of Product Standard (BPS) Import Commodity Clearance (ICC), National Telecommunications Commission (NTC) Clearance, where the regulatory agency allows post arrival issuance of such permit, clearance or license.

clearance or license is issued and submitted to the Bureau within the prescribed period.

- ii. A specific and sufficient security¹² shall be required to cover the dutiable value of the goods except in case of whighly compliant Importers such as SGL, SGL+ or AEO members where a general security¹³ or an undertaking may be required in lieu of a security.
 - b. In all other cases, the conditional release of goods provisionally declared shall be subject to the following rules:

A specific and sufficient security¹⁴ shall be required to cover the amount of duties, taxes and other charges that shall be collected when the lacking information or document is not submitted within the prescribed period.

- **5.4.5.** Effects of the non-compliance with the conditions for the release of goods under provisional goods declaration.
 - a. In case the declarant fails to submit the required permit, clearance or license from the regulatory agency within the prescribed period, the regulated goods shall be subject to seizure, provided due notice is given to the declarant.
 - b. In case of release under the provisional goods declaration due to the lack of import documents to assess the correct duties, taxes and other charges, any security posted shall be subject to forfeiture for failure of the declarant to submit the required supporting documents or information within the prescribed period; provided that due notice is given to the declarant, and without prejudice to any other legal remedy to recover duties, taxes and other charges that may be due on the importation.

Section 6. Creation One Stop Shop Office per District/Subport for BIMP-EAGA.

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6.1. The District/Subport Collector concerned is directed to create a one stop shop office within the respective jurisdiction to expedite the processing and clearance of goods within the P-EAGA ports and subports. A specific reference number shall be used in the goods declaration to indicate that the goods subject thereof were imported or exported under BIMP-EAGA conditions.

6.2. A duly registered importer/exporter under this CAO shall report in

¹² cf. CMTA, Title XV, Section 1507.

¹³ cf. CMTA, Title XV, Section 1506.

¹⁴ cf. CMTA, Title XV, Section 1507.

advance to the concerned district/subports' One Stop Shop any intention to pass, load or unload, or use another ports aside from the BIMP-EAGA concerned district/subports.

Section 7. Cross-Border Transport of Local and Foreign Currencies. A person may import or export, or bring with him into or take out of the country local currency with an amount not exceeding Php50,000.00 without prior authorization from Bangko Sentral ng Pilipinas (BSP). Amounts in excess of said threshold shall require prior written authorization from BSP.

With regard to the cross-border transfer of foreign currency, there is no restriction or limit on the amount of foreign currency that a person may bring in or take out of the Philippines. Cross-border transport of foreign currency-denominated bearer monetary instruments in excess of US\$10,000.000 or its equivalent in other foreign currency must be declared in writing using the Bureau of Customs' prescribed Foreign Currency and other FX-denominated Bearer Monetary Instruments Declaration Form.

Section 8. Reporting and Monitoring System. The District Collector shall submit a quarterly report to the Commissioner of Customs through the Assessment Operations Coordinating Group (AOCG) on the volume and duties and taxes collected on shipment processed under this Order.

The AOCG may submit a consolidated quarterly report of shipments processed under the BIMP-EAGA to MinDA, copy furnished the Department of Trade and Industry (DTI) and Philippine Statistics Authority (PSA).

- **Section 9. ICT Support.** The Management Information Systems and Technology Group (MISTG) of the Bureau must provide the necessary IT infrastructure to all trade ports in the P-EAGA, including access of the District or Sub port Collector to the CPRS to expedite the registration of Exporters under this Order.
- **Section 10.** Periodic Review. Unless otherwise provided, this CMO shall be reviewed every three (3) years upon consultation with the Department of Trade and Industry, MinDA and other stakeholders.

Section 11. Effectivity. This CMO shall take effect on ____

July 15, 2019

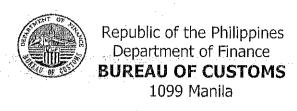
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Commissioner, BOC ₃



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APPLICATION FOR REGISTRATION

1,	Applicant Name:	TIN No.:					
	Date of Birth:	Place of Birth:					
	Sex:Civil Status:	Age: Nickname:					
2.	Residence Address:						
	Contact No.:						
3.	Office Business Address:						
	CHI THE STATE OF T						
	Fax No.:	Email Address:					
	Contact Person:	Tel No.:					
	Business Name (if any):						
4.	Financial Status as of:	Net Worth Php					
	Total Resources Php						

5. Do you have any pending?

(a) Criminal case? () YES () NO (b) Administrative case? () YES () NO Certified True Copy

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REPUBLIC OF THE PHILIPPINES)
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SWORN UNDERTAKING
I hereby certify under oath that all the above information are true and correct; all documents submitted in support of its application are true copies of the original, subject to verification; any misrepresentation and/or manifestation of fraud in this application shall be a ground for disapproval of my application, and blacklisting of our firm and the undersigned as the applicant.
As specified in Section 2.2 of CMO No. 4-2014, I hereby undertake to (a) to receive notice by e-mail; (b) to strictly abide with existing rules and regulations on the Statement of Full Description of Imported Articles covered by entry declarations; (c) to notify the BOC-AMO of any changes in the information contained in the application for accreditation; and (d) to obtain knowledge of the contents of a declaration, and to attest to the veracity thereof.
I fully understand that failure to comply with the undertaking will result in the cancellation and revocation of the accreditation as customs broker, without prejudice to the imposition of any other criminal sanction for violation of the Tariff and Customs Code of the Philippines, and other customs laws and regulations.
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Date Accomplished Name and Signature of Applicant

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Kaquel G. De Jesus SVCOO CRMD - BOC

SPECIMEN SIGNATURE:

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