



Republic of the Philippines
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
Office of the Commissioner

October 3, 1990

CUSTOMS MEMORANDUM ORDER
NO. 71-90

To: All District Collectors and
All Others Concerned

Subject: Summary Seizure Procedure

Section 1. OBJECTIVES

1. To establish a speedy and expeditious procedure in the release of certain shipments subject to seizure;
2. To expedite the collection of, and maximize, the revenue due from said shipments; and
3. To prevent congestion at the piers.

Section 2. COVERAGE

1. Motor vehicles covered by, and fall squarely under, CMO No. 80-89.
2. Shipments entered in violation of the CRF requirement under Joint Order No. 1-87, as amended, whether or not determined by the Customs-SGS Valuation and Classification Committee.

Section 3. PROCEDURE

1. Prior to the filing of the Import Entry, the importer/consignee or claimant/owner shall submit to the District Collector a written manifestation under oath attesting to and indicating the following:

J. Salvador M. Moron

Case 0-71-90 - 2 -

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- 1.1 In the case of motor vehicles covered by CMO 80-89, there is no other violation than the lack of prior authority under the rules and regulations of the Bureau of Import Services (BIS); or

In the case of shipments covered by Joint Order No. 1-87, as amended, there is no violation other than non-compliance with the CRF requirement.

- 1.2 His willingness to avail himself of the settlement provisions of E. O. 38.
2. Upon receipt of the written manifestation under oath, the District Collector shall:
 - 2.1 Immediately cause the issuance of the appropriate Warrant of Seizure and Detention; Provided that, in the case of shipments covered by Joint Order No. 1-87, the District Collector may first refer the matter to the Customs-SGS Valuation and Classification Committee for determination whether the shipment in question may be allowed to be released without penalty for the violation only of the CRF requirement, subject to the approval of the Commissioner of Customs, or the rate of penalty pursuant to the Memorandum, dated 17 September 1990, to said Committee.
 - 2.2 Allow the filing of the import entry and require 100% examination of the shipment.
 - 2.3 Require the Chief, Formal Entry Division, or the Chief, Warehousing Assessment Division, as the case maybe, to submit a written certification covering the subject shipment indicating:
 - 2.3.1 Other violations, if any, found upon 100% examination and appraisalment of the shipment, with the appropriate recommendation, and

Jonathan M. Kirby

2.3.2 The computation showing the total landed cost.

2.4 After determination that there is no other violation that would warrant the issuance of a Warrant of Seizure and Detention, the District Collector shall forthwith issue an Order for the lifting of the Warrant of Seizure and Detention, the continuation of the processing of the import entry and subject to the payment of duties, taxes and other charges due thereon, as applicable, and the penalty for the violation; and shall indorse the Order to the Office of the Commissioner of Customs (or the designated Deputy Commissioner) for approval; Provided that, such indorsement shall no longer be coursed thru the Legal Service.

3. In case of other violations that would warrant the issuance of a Warrant of Seizure and Detention, the case shall be determined under the existing seizure proceedings.

Section 4. SPECIAL UNIT

To ensure that the objectives of this Order are properly attained and the interests of the government duly protected, the District Collector may create a Special Unit and issue further internal guidelines: Provided that, seizure cases already filed and pending prior to the approval of this Order shall proceed under existing rules and regulations.

Section 5. REPEALING CLAUSE

All Orders, rules and regulations inconsistent with this Order are hereby deemed repealed, superseded and/or modified accordingly.

Section 6. EFFECTIVITY

This Order shall take effect immediately.

Salvador M. Mison
SALVADOR M. MISON
Commissioner