

01 June 2021

CUSTOMS MEMORANDUM CIRCULAR (CMC)
NO. 10 8-2021

SUBJECT: EO 135 (SERIES OF 2021) ON "TEMPORARILY MODIFYING THE RATES OF IMPORT DUTY ON RICE UNDER SECTION 1611 OF REPUBLIC ACT NO. 10863, OTHERWISE KNOWN AS THE "CUSTOMS MODERNIZATION AND TARIFF ACT"

In view of the effectivity of Executive Order No. 135 (series of 2021) on "Temporarily Modifying the Rates of Import Duty on Rice under Section 1611 of Republic Act No. 10863, otherwise known as the "Customs Modernization And Tariff Act" on 02 June 2021, which shall be effective for a period of one (1) year from such date, all concerned are informed that all articles specifically listed in Annex A of EO 135 (s. 2021), which are entered into or withdrawn from warehouses in the Philippines for consumption, shall be levied the temporary MFN rates of duty as prescribed therein.

Thus, the Bureau of Customs' Electronic to Mobile (E2M) System is hereto required to reflect the temporary MFN rates of duty pursuant to the said EO.

All District and Sub-Port Collectors, and all others concerned are hereby directed to confirm the dissemination of this Order throughout their offices within five (5) days from receipt thereof for records purposes.

This Order shall take effect immediately.

REY LEONARDO B. GUERRERO

Commissione JUN 01 2021



## MALACAÑAN PALACE MANILA

# BY THE PRESIDENT OF THE PHILIPPINES

## **EXECUTIVE ORDER NO. 135**

TEMPORARILY MODIFYING THE RATES OF IMPORT DUTY ON RICE UNDER SECTION 1611 OF REPUBLIC ACT NO. 10863, OTHERWISE KNOWN AS THE "CUSTOMS MODERNIZATION AND TARIFF ACT"

WHEREAS, rice remains the staple food for most Filipinos, and accounts for a significant portion of the food expenses of families;

WHEREAS, despite an increase in the total stock of rice, the estimated local production may still fall short of the total demand, necessitating importation from other countries;

WHEREAS, there has been a continuous increase in the price of rice from other countries, especially those imported from the Association of Southeast Asian Nations region;

WHEREAS, the current global economic situation brought about by the COVID-19 pandemic, as well as other factors affecting the country's traditional sources of imported rice, cause uncertainty in the steady supply of rice;

WHEREAS, considering the increase in global rice prices and the uncertainties relative to the supply of rice, there is an urgent need to temporarily reduce the Most Favoured Nation (MFN) tariff rates on rice, to diversify the country's market sources, augment rice supply, maintain affordable prices, and reduce inflationary pressures, all for the purpose of ensuring food security in the country and protecting consumers;

WHEREAS, under Section 7(a) of Republic Act (RA) No. 8178, as amended, the President may increase, reduce, revise, or adjust existing rates of import duty up to the bound rate committed by the Philippines under the World Trade Organization Agreement on Agriculture;

WHEREAS, Section 1608 of RA No. 10863 empowers the President, in the interest of general welfare and national security, and upon recommendation of the National Economic and Development Authority (NEDA), to increase, reduce or remove existing rates of import duty; and

**WHEREAS**, on 11 March 2021, the NEDA Board endorsed *ad referendum* the temporary modification of the MFN tariff rates on rice falling under AHTN 2017 Heading 10.06;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Rates of Import Duty. The articles specifically listed in Annex A hereof, as classified in compliance with Section 1611 of RA No. 10863, shall be subject to the MFN rates of duty in accordance with the schedule indicated opposite the article.

Upon the effectivity of this Order, all articles specifically listed in Annex A hereof, which are entered into or withdrawn from warehouses in the Philippines for consumption shall be levied the MFN rates of duty as prescribed therein.

SECTION 2. Repeal. All other issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 3. Separability. If any provision of this Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 4. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation, and shall be effective for a period of one (1) year from such date.

DONE, in the City of Manila, this 15th day of Mav year of Our Lord, Two Thousand and Twenty One.

in

the

By the President:

PERD 2016 - 017209

SALVADOR C. MEDIALDEA **Executive Secretary** 

Office of the President HALACAÑANG RECORDS OFFICE

Kalen

Hdg. No.	AHTN Code 2017	Description	MFN Rates of Duty (%)	
			Upon	After the
(4)	(0)		Effectivity	12 <sup>th</sup> month
(1)	(2)	(3)	(4)	(5)
10.06	4000 40	Rice.		
	1006.10	- Rice in the husk (paddy or rough):		
	1006.10.10	XXX		
	1006.10.90	Other:		
	1006.10.90A		35	40
	1006.10.90B	Out-Quota	35	50
	1006.20	- Husked (brown) rice :		
	1006.20.10			
	1006.20.10A		35	40
	1006.20.10B		35	50
	1006.20.90	Other:		
	1006.20.90A		35	40
	1006.20.90B	Out-Quota	35	50
	1006.30	- Semi-milled or wholly milled rice,		
		whether or not polished or glazed:		
	1006.30.30	Glutinous rice :		
	1006.30.30A	In-Quota	35	40
		Out-Quota	35	50
		Hom Mali rice :		
	1006.30.40A		35	40
		Out-Quota	35	50
		Other:		
		Parboiled rice :		
		In-Quota	. 35	40
		Out-Quota	35	50
		Other:		
		In-Quota	35	40
		Out-Quota	35	50
		- Broken rice :		
		Of a kind used for animal feed :		
		In-Quota	35	40
		Out-Quota	35	50
		· - Other :	0.5	40
		In-Quota	35	40
7	1006.40.90B -	· Out-Quota	35	50

# SC ends oral argument on ATA, cuts short Esperon's testimony

▼HE Supreme Court has decided to cut short the testimony of National Security Adviser Hermogenes Esperon after he linked several groups with terrorist the Communist Party of the Philippines-New People's Army (CPP-NPA) during last week's continuation on the oral argument on the 37 petitions assailing the constitutionality of the Anti-Terrorism Law.

At the start of the minth and last day of the oral argument, Chief Justice Alexander Ges-mundo said the Court would instead issue a resolution detail-ing the specific questions that the justices would like Esperon

to answer
The Chief Justice said Espeton's response to the questions would have to be incorporated in the memorandum that would be submitted by the Office of the Solicitor within 30 days upon is-suance of the resolution. The Court made the decision

the Lourt male the decision following the filing of a motion by several petitioners assailing the constitutionality of ATA, seeking to expunge the testimony of Esperon and to delete from its records the controversial videos that Esperan was presented to the justices during oral arguments last Wednesday.

last Wednesday.

"With regards to motion to expunge thel testimony, video presentation and annotations of respondent Hermogenes Esperion... the Court resolves to require respondent to comment."

CJ Gesmundo announced.

"The Court also decided not to continue the interpellation of Esperion based on the compliance.

to continue the interpetation of Esperon based on the compliance that they have submitted earlier," the titlef magistrate added. On the other hand, the CJ Gesmundo announced that Court

Geemundo announces that Court agreed to save achiev-cause order to Free Legal Assistance Group (FLAG) lawyer and one of the counsel-petitioners Theodore Te for his statement posted in so-cial media castigating the Court for allowang Esperon to red-tag agreed a segment to norm session. several groups in open session last week.

last week.

During the court proceedings,
Esperon played a two-minute rideout self-exiled CPP founder Jose
Maria-Stion wherein the last ter can
be heard mentioning the names
of 18 organizations whom the last
re called "allied organizations."
He also played a 1987 video of

Sison supposedly naming the le-gal organizations in the supposed National Democratic Revolution. Esperon disclosed that about

Esperon disclosed that About 75 organizations such as the Alliance of Concerned Teachers. Anakbayan, Kilusang Mayo Uno, Bagung Alyansang Makabayan, Gabriela and several others were present in a meeting presided by Stion in Hong Kong sometime in 2020.

These groups, he said, are part of the su-called International League of People's Struggles

which meets every year.

The petitioners said Espeton should not have been allowed to

testify since the SC is not a true

testifysince and all of facts."
In doing so, the petitioners said, of the Court provided Esperen the opportunity to openly red-taggrogressive groups, which is one the main issues caised in the main issues caised in the main issues caised in the main issues.

Amki curise's opposing views MEANWHILE, former Chief Jus-tice Reynato Puto and former SC Associate Justice and ex-Solicitor General Francis Jaideleza, gave contrasting opinions on the is-sues raised against the ATA.

Both Punu and Jardeleza were designated by the Court as amici curiae (friends of the court) to give their impartial and expest spinion on the matter.

opinion on the matter.

In his position paper submitted to the Court, Puno called on the SC tostrike abalance between the protection of rights guaranteed under the Constitution and national security in resolving the 37 petitions seeking to declare the ATA of 2021 as unconstitutional.

"Your Honors, we are to seek the right balance between indsthe right balance between indi-vidual liberty and national se-curity. This is not case of all or nothing matter but a matter of more or less. Punotoid the High Tribunal.

"The balance should not reduce "The balance should not reduce individual rights into intagnificance for they are inherent to human dignary. Weither a hould the balance put an end to the security of the people for they did not enter into a suicide pact when they extified the Constitution. The ideal is for us to be both free and sin." Prima stressed.

safe, Puno stressed.
Puno admitted that there were certain provisions in the ATA that he considers as a matter of "con-stitutional conceru," particularly in the process of designation of

Among these provisions are Sections 25, 35, 36, 38 and 41 with respect to designation of terrorists and the power of the Anti-Money Laundering Coun-cil (AMLC) to order freezing of their assets

He questioned the Anti-Terror-ism Council's automatic adoption of the list of terrorists that comes from the UN Security Council

Pano explained that it is not clear whether the UNSC Resolu-tion 1375 mandatorily ordered member-states to automatically adopt its list of terrorists.

The process followed by the

UN Security Council in arriving at the list may not conform with our Constitution. We are not aware how much of the process is open and how much is in camera, the former Chief Justice told the Court

The standard of laurness in the listing process should be our legitimate concern. The criteria that guided the Security Council that guided the Security Council in preparing the black list can be changed from time to time. The change may be demanded by the lay of the legal landscape, which will vary from country to country. The change in criteria may not always be in accord with our fundamental law and automatically adopting the UN list may not give us any wiggle from to avoid unconstitutional difficulties. Puno elaborated. Another concern raised by

Another contern saised by Puno dwells on ATC's authority to determine the person or orga-nization to be designated as tor rorists based on a probable cause

"The disconcerting question is whether there is a moaningful temedy on the part of a person or organization designated by ATC as a terrorist when it's finding of

as a terrorist when it's finding of probable cause rests on erroreous ground," Puno streased.

Puno's concern was anchored on the lack of express provision in the ATA that allows aggreed parties to assail the factual basis of the designation made by ATC.

With regard to the freezing of

assets of designated terrorists. Puno noted that AMLC's may is-sue a freeze order valid only for 20 days but may be extended for

a period not exceeding six months by the Court of Appeals. He said this was in contrast with regard to the freeze orders involving terrorists determined by the UNSC and adopted by the ATC, which is indefinite until or-dered lifted. "When a law makes distinction

when there is no difference, there is a violation of the equal protec-tion clause of the Constitution, Puno pointed out. Puno also raised the possibil-

ity of violation of the principle of equal protection under the Constitution with regard to the implementation of Sections 26, 27, 28 and 36 perfaming to pro-scription of terrorists.

scription of terrorists.

He noted that the proscription
is used only for terrorist organizations, associations or groups of persons and not for individual persons

sons and not for individual persons itsed as terrorists by designation. Furthermore, the former Chief Justice raised the possibility of violation of existing rights of arrested persons with the implementation of Section 29 of the ATC, which authorizes in writing law perforestrative consideration of the control of the ATC, which authorizes in writing the performers tarketistically unserted. law enforcers to take custody sun pected terrorists and detain them for a period of 14 days which can be extended for a maximum of 10 more days depending on several

"Undertably, there will be cuts on the rights of detainess under our present law, Again, the dif-ficult constitutional question to

ficult constitutional question to tecological bowdeep can these cuts be allowed on detainers without destroying the essence of their rights. Puno explained, lakewise, Puno raised some bothersome' provisions cover-ing surveillance of terrorists auch as the continued surveillance of personal already charged with ter-rorism and the use of any mode to nerform this act.

rorism and the use of any mode to perform this act.

This runs against the conventional thinking that when a person is charged, the State has already the quantum of evidence to convict the person beyond reasonable doubt. Puno said.

On the other hand, Jardeleza told the magistrates that the petitions should be dismissed on the grounds of lack of legal standing and that the Court is not a trier

of facts
"While a case for 'pre-enforce
"of communications." ment review of a criminal statute is possible, the same is allowed solely on grounds of vagueness. soling on pounds of eagueness. Since none of the petitioners has sought to avail of this suception, I humbly submit that...37 petitions should be dismissed. Jardeleza said.

He added that cases presenting factualissues, such as the alleged torture of petitioners Japer Gu-tung and Junior Ramus, should be tried first under the doctrine of hierarchy of courts—before the lower court first—then the Court of Appeals. Guru and Ramos, both Actas.

Guy and rames, both Actas, were charged with non-hailable offenses of illegal possession of firearms and explosives and for violation of the provision of the ATA before the Regional Trial Court of Olongapo City last September

other female Actas are accused of

other female Actas are accused of being members of the communist. New People's Army (NPA). "Petitioners cannot short-circust this process by simply invoking the 'transcendental or paramount' importance of their case, 'he explained. While the issues raised by pe-

while the issues raised by pe-titioners against the ATA are im-portant as it involves civil liber-ties, Jardeleza admitted that the facts presented by petitioners are insufficient for the Court to rule

insufficient for the Court to rule against the ATA.

"My point, Judges of the RTC and justures of the Court of Appeals are not only equipped to receive and ascertain the facts for this Court, they also, in their own right, make constitutional law," the former magistrate said.

To this list time we stay hear.

law," the former magistrone --"I think it is time we start hear
"I have overing them the ing from them by giving them the first crack at cases such as these," he added. Jardeleza also indicated that

Jameleza hiso indicated that the observance of the doctrine of hierarchy of courts is necessary in order to unclog the Court's docket and hasten the resolution of cases.

He noted that based on the

Judiciary Annual Report of 2915, the Court has a total case load of

the Court has a total case load of 14,491 as of Dreember 31, 2016; 14,411 cases in 2017, 15,339 cases in 2018 and 14,760 cases in 2018 and 14,760 cases in 2018 to Deaptie efforts to introduce reforms by three former chief quitteen, namely. Televata de Castin, Lucas Betsammand Diosthado Perellatio unclogithe Court's docket, the number of pending cases from 2016 to 2019 also remained at the same level at the same level

at the same level
Thus, Jardeleza proposed that
the Court consider imposing strict
work or page limits to petitions
filed before at and declaring that
the 24-month period mandated
by the Constitution to decide a
case is mandatory and should be
dutfully observed across all levels of the counts.

At the end of the oral argument, CJ Gesmunds and the Court has decided to require the petitioners to submit their memorandum on the basis of the clustering based on the issues they agreed to pres-ent in the oral argument. Hexaidaresolution would be is

sued setting forth the contents of the memorandum and would give the parties 30 days within which to submit their memoranda.



## BY THE PRESIDENT OF THE PHILIPPINE

EXECUTIVE ORDER NO 113

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## BY THE PRESENTAL OF THE PHOLOPHORE

### EXECUTIVE ORDER NO 11

TEMPORARILY MODETING THE RATES OF IMPORT DUTY ON RICE UNDER SECTION 1611 OF REPUBLIC ACT NO 1965. OTHERWISE KNOWN AS THE "CUSTOMS MODERIGIATION AND TARKE ACT"

**WHERE AS** two remains the stoppic fixed for most f appears, and accounts for a supplicum potential the fixed eigenstant of behavior.

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WHEREAS the corner glocal economic section trought about by the COVAN 15 parasers, we wad as other factors affecting the country's transforms towards of injection rise cause, insertiantly in the steady playing of the

White RREAD connectioning this excesses or gaches read prises and the uncertainties obtained to the autippe of now. Place in an engand mond is temperated, notice it this flavorant Nation (MENI) that there is no now. In Overath, the country's married south autypered now supply of each an attended prises and notice still country senses of the the purposes of encuring Nood Security. It that country and protecting consumers.

WHEREAS under Section Placed Require Actification 1816 at amended the President may increase reduce neview to equal costs of each of import dely up to Relation on extenditudity the Philippinus under the World Trade Organization. Agreement on Agricultura.

WHEREAS Sometime total of NA No. 1086 to empression the President in the receiver of general weather and reduced security and again reconnectedation of the Harborial Economic and Development Astronal, (NEOA), to streed a reduce or remove evalual ratio of bounds.

WHERE AS In: 11 March 2021, the NEDA board enforced ad inferencial file fergoristy metals atom of the MFR solutionary on a failure of the MFR solution of the following to the fermion of the fermion of

NOW, THEREFORE, I, ROBRIGO ROA BUTERTE. Provided of the Republic CAPUS Production by wishes of the paramers varied of the by Sim Constitution and suppling large. On harming order

SECTION 1. Rates of impost Dusy. The extrices expendically felled in Archan A hereof, as classified in interactionics with Section 1611 of NA No. 10601, short the solved to the AFPI rates of duty in accordance with the subvenille interacted opposition the article.

Upon the effective, of the Order of entries apectical, issue in Arany A traver which are entered with a finite painting and order against the Philippian transferrable to the Philippian transferrable to the Webs the Mills rates of dray as pressitable theres.

SECTION 2 Repeat An other equations admirably action and requalities or parts thereof where are exponentially with the Cross are hereby repeated in modified extendency.

**SECTION 3. Superability**. If any provision of the Circle is decisive, sweld or unusualizational, the other provisions rat affected thereby shell remain visit land substitute.

RECTION 4 Effectivity This Order shall take which these (15) Gays after do complete published on the Official Gazette or to a newspaper of general circulation and shall be officially for a peccal of one (1) year from such date.

BONE on the City of Montes that 1514 day of your of Court cony. Own Thousand and Tenning Com

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the President

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