



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

AUG 20 1992

CUSTOMS MEMORANDUM ORDER
NO. 96-92

All Deputy Commissioners
Collectors of Customs
Service/Division Chiefs
All Others concerned

SUBJECT: Clearance Procedure for Containerized
Shipment Sealed by the Government Appointed
Surveyor under the CISS.

I. OBJECTIVE:

To facilitate and hasten the release of shipments covered
by SGS seals and documents.

II. GENERAL PROVISIONS

1. Part IV Sub-Par. 11.1 of Customs Memorandum Order No.
39-92 is hereby amended to read as follows:

"11.1 FCL shipments inspected and sealed by the
government surveyor at the port of exportation
shall be deemed to have been examined for
customs purposes pursuant to Section 1401 of
the Tariff and Customs Code of the Philippines
as amended and shall therefore no longer be
re-examined upon arrival in the country but
shall instead be immediately released/
transferred to the importer/importer's
warehouse following the procedures described
in this order except in the following
situations:

11.1.1 the Surveyor's seal on the container has been broken or the container shows signs of having been opened or having its identity changed;

11.1.2 the container is leaking or damaged;

11.1.3 the number, weight, nature of packages indicated in the Customs entry declaration and supporting documents differ from that in the Manifest;

11.1.4 the shipment is covered by alert/ hold orders issued pursuant to existing orders; and,

11.1.5 upon request of the importer if he disagrees with the SGS findings reported in the CRF."

2. For shipments covered by CRF but where the stuffing was not supervised by the surveyor, regular examination shall be undertaken. This is the case when the container number(s) is/are not reflected in the CRF or that the number(s) is/are bracketed.
3. The Chief, PID/CCCD, in coordination with the arrastre contractor shall designate areas exclusively to store all FCL containers with SGS seal, separating containers with tampered/broken SGS seal/ damaged containers.
4. The Report of the Bay Service, Piers and Inspection Division should be forwarded to the Chief, Formal Entry Division/the Chief Wharfinger and Chief Customs Gatekeeper. This Order which indicate the presence/absence of SGS seals shall be the basis of the Examiner/ Appraiser / Wharfinger / Gatekeeper in the appreciation of the SGS seals.

III. SPECIFIC PROCEDURES

The following shall be the procedure in the processing of papers and release/transfer of FCL shipments with the surveyor's seal:

1. Prior Appraisals (When entry documents are filed prior to the arrival of the goods)

- a. Importer/broker shall file the entry based on advance copies of commercial/shipping documents duly certified by the importer/consignee even if the vessel/aircraft is still enroute from the exporting country to the Philippines.
- b. The Examiner/Appraiser shall assess the duties, taxes and other charges based on the Fair Market Value and Tariff Classification indicated in the accompanying CRF, determine sufficiency of importation documents, and ensure compliance with pertinent laws, rules and regulations. If everything is in order and the shipment has been sealed by the SGS as indicated in the CRF, the Examiner/Appraiser shall then sign the delivery permit with notation, thus: "approved for release/transfer pursuant to CMO No. 39-92 and processing shall continue as described in the succeeding paragraph." On the basis of the CRF accompanying the entry, the shipment does not have the surveyor's seal that the situations described in 11.1.1 up to 11.1.5 obtains, then regular processing shall be observed.
- c. After review by the Principal Customs Appraiser, the entry with the notation "Approved for release/transfer pursuant to CMO 39-92" shall be transmitted to Collection Division for the payment of all taxes/charges and validation of the bank documents.
- d. After processing by the Collection Division, the duty accomplished Delivery Permit shall be transmitted by official Messenger to the concerned Wharfinger to wait for the arrival of the importation.
- e. The Wharfinger concerned shall:
 - (1) Unless any of the situations described in 11.1.1 to 11.1.5 obtain, act on the Delivery Permit and effect the delivery/transfer of the shipment:
 - (2) In the event that any of the situations described in 11.1.1 to 11.1.5 obtain, return the Delivery Permit to the Formal Entry Division (Attn.: The Concerned Examiner/Appraiser), indicating therein the exact location of the container for the usual customs examination and processing of the entry.

2. Prior Examination (When entry papers are filed after the arrival of the shipment)

The Procedure in Par. 1 of Part III shall be followed, except in the determination of whether or not a re-examination must be conducted. The Examiner/Appraiser shall be the one to make a determination as to whether or not a re-examination shall be made unlike in prior appraisal where the Wharfinger makes such a determination.

IV. REPEALING CLAUSE

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

V. EFFECTIVITY

This Order shall take effect upon approval.


GUILLERMO L. FARAYNO, JR.
Commissioner

AUG 20 1992

Date Approved: _____