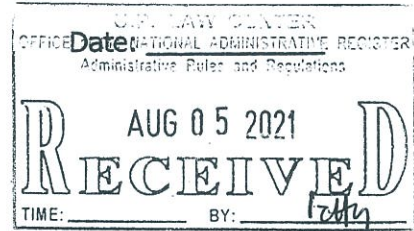




CUSTOMS MEMORANDUM ORDER

No. 24-2021



SUBJECT: RULES AND REGULATIONS IMPLEMENTING CUSTOMS ADMINISTRATIVE ORDER (CAO) NO. 3-2020 ON THE DISPOSITION OF FORFEITED AND ABANDONED GOODS THROUGH CONDEMNATION

Section 1. Objectives.

- 1.1. To provide a mechanism to expedite the disposition and release of shipments for condemnation and assist the Ports in decongesting the overstaying containers stored thereat;
- 1.2. To provide for a uniform procedure and specific requirements in the accreditation by the Bureau of service contractors for the condemnation of goods in line with the Ease of Doing Business and Efficient Government Service Delivery Act of 2018;
- 1.3. To ensure the integrity and transparency in the condemnation process; and
- 1.4. To provide for the accountability and liability of service providers and Bureau of Customs (Bureau) personnel involved in the condemnation process and impose sanctions for violations of customs rules and regulations pertaining thereto.

Section 2. Goods Subject to Condemnation. The following goods shall be disposed through condemnation:

- 2.1. Restricted goods which are highly dangerous to be kept or handled;¹
- 2.2. Goods that are absolutely prohibited unless the mode of disposition is specifically provided by the Customs Modernization and Tariff Act (CMTA);
- 2.3. Goods that are prohibited by law to be released, unless the mode of disposition is specifically provided by the CMTA or by regulation;

¹ CMTA, Title XI, Chapter 10, Section 1147 (f).

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- 2.4. Goods that have no commercial value; and
- 2.5. Goods that are injurious to public health.²

Section 3. Modes of Condemnation. Goods shall be condemned in any of the following manner:

- 3.1. Rendering;
- 3.2. Crushing;
- 3.3. Thermal decomposition;
- 3.4. Breaking;
- 3.5. Shredding;
- 3.6. Pyrolysis;
- 3.7. Dumping if applicable and deemed as most practicable among other modes; or
- 3.8. Any other method deemed appropriate by the Condemnation Committee and approved by the District Collector.

The Port shall ensure that the chosen mode of condemnation is in compliance with all environmental laws, rules and regulations.

Section 4. Condemnation Committee. There shall be a Condemnation Committee which shall be composed of the following:

- Chairman - Chief, Auction and Cargo Disposal Division (ACDD) or equivalent unit
- Vice Chairman - Chief, Law Division or equivalent unit
- Members - Representative, Office of the District Collector
Representative, Customs Intelligence and Investigation Service (CIIS)
Representative, Enforcement and Security Service (ESS)

The representative of the Association of International Shipping Lines (AISL) or other organizations/associations of shipping lines may be present during the deliberations relative to the awarding of contracts for the condemnation of containerized cargoes to accredited service contractors.

Section 5. Functions of the Condemnation Committee. The Condemnation Committee shall be tasked to perform the following functions, to wit:

- 5.1. Approve/disapprove the recommendation of the ACDD or its equivalent unit for the accreditation of a service contractor;
- 5.2. Issue the Order of Condemnation for the approval of the District Collector based on the Detailed Plan of Condemnation prepared by the ACDD or its equivalent unit;
- 5.3. To impose, administer and/or recommend to the District Collector the imposition of administrative and/or such other sanctions as maybe appropriate against any service contractor, person or

²² CMTA, Title XI, Chapter 10, Section 1145.

entity found to have committed disorderly act or any act prejudicial or inimical to the interest of the Government or violated any law, rules and regulations, in connection with any condemnation activity; and

- 5.4. Perform other related functions as may be directed by the District Collector.

The District Collector may authorize the creation of Condemnation Committees at their respective Sub-ports and delegate the issuance of the Order of Condemnation to the Sub-port collectors subject to institution of strict control measures. Accreditation of contractors shall however, be subject to the final approval of the District Collector.

Section 6. Accreditation of Service Contractors. Applications for accreditation of service contractors shall be evaluated by the Condemnation Committee. For this purpose, the following requirements must be submitted by the applicant to the ACDD or equivalent unit of the port, for evaluation, to wit:

- 6.1. Letter of Intent duly signed by the applicant or his authorized representative. The authorized representative of a Corporation must present a Corporate Secretary's Certificate, certifying that the Board of the corporation has authorized the holder to represent the company; for partnerships, a Notarized Special Power of Attorney signed by the registered owner/s of the entity; for sole proprietorship, the owner must be the signing applicant.
- 6.2. Company Profile;
- 6.3. List of Services;
- 6.4. Diagram of Operations for all the services;
- 6.5. Plant/Facility Lay-out (including those of extension warehouses, if applicable);
- 6.6. Memorandum of Agreement with dumpsite owners/operators where one of the modes of condemnation is through dumping;
- 6.7. List of machinery and equipment that are being utilized and located at the facility/plant. In cases where the said machinery and equipment are leased, copies of Lease Agreements must also be submitted;
- 6.8. For corporate entities: SEC Registration, Articles of Incorporation, By-Laws, and latest General Information Sheet duly stamped and received by SEC;
For other entities: DTI Certificate of Registration and List of Officers;
- 6.9. Current Income Tax Return (of the entity) duly stamped and received by the BIR;
- 6.10. Current Mayor's/Business Permit;
- 6.11. Current Environmental Compliance Certificate;
- 6.12. Current Sanitary Permit to Operate;
- 6.13. Current City/Municipal Environmental Certificate;
- 6.14. Current Transporter Registration Certificate (for applicants engaged in the transportation of wastes);

- 6.15. Audited Financial Statement for two (2) years immediately preceding the application, if available. For new companies, Feasibility Study shall be submitted in lieu of the audited Financial Statement; and
- 6.16. Payment of accreditation fee of Php10,000.00 and Customs Documentary Stamp of Php265.00.

The above-enumerated documents must be certified true copies of the original. Failure to submit any of the above requirements shall preclude the ACDD or its equivalent unit from processing the application.

Section 7. Evaluation and Approval of Applications from Service Contractor.

- 7.1. Upon submission of the documents referred to in the immediately preceding Section, the ACDD or equivalent unit shall evaluate the application to ensure its compliance with the requirements listed in the preceding section.
- 7.2. After completion of the documentary requirements of the applicant and within twenty four (24) hours from receipt thereof, the Chief of the ACDD or equivalent unit shall create a composite team made up of personnel from the ACDD/equivalent unit, CIIS and ESS to conduct an ocular inspection of the facility. The composite team shall submit a Comprehensive Report indicating therein their evaluation on the capability of the applicant's facility to perform the services being offered.
- 7.3. Upon evaluation of the above-stated requirements, the ACDD/equivalent unit shall, within three (3) working days, recommend the approval/disapproval of the application to the Condemnation Committee. The Condemnation Committee shall within three (3) working days forward the application for final approval/disapproval by the District Collector.
- 7.4. A Certificate of Accreditation signed by the District Collector following the format in Annex "A" shall be issued to the service contractor.
- 7.5. In cases where the application was disapproved due to lack of requirements or inconsistencies in the documents submitted with the application, the applicant may be allowed to refile his application upon completion or correction of the necessary documents.

The performance of each service contractor shall be evaluated by the Condemnation Committee on a regular basis.

Section 8. Validity Period of Accreditation. The Certificate of Accreditation shall be valid for three (3) years from the date of accreditation, unless sooner revoked for cause by the District Collector, subject to the annual submission of updated documents mentioned in Section 6.9 to Section 6.14 above.

Section 9. Responsibilities of Accredited Service Contractors. Accredited service contractors shall be responsible for the following:

- 9.1. Post annual performance bond in the amount equivalent to Php500,000.00 in the form of surety as a guarantee to secure performance of its obligations;
- 9.2. Ensure that the goods are condemned in accordance with the Detailed Plan of Condemnation approved by the port;
- 9.3. Submit a completion report with photos and videos to the ACDD in five (5) days from termination of the condemnation proceedings. The condemnation process is deemed terminated upon the issuance of Certification by the Port confirming that the condemnation of goods is complete;
- 9.4. Ensure that the goods for condemnation are withdrawn within the period as provided in the Order of Condemnation;
- 9.5. Return the empty container to the shipping line within five (5) days unless a longer period is given by the shipping line for the return; and
- 9.6. Comply with other conditions as may be imposed by the Condemnation Committee.

Section 10. Clearance from Legal Service. Immediately after the finality of the Order of Forfeiture or Decree of abandonment, the Law Division and the ACDD/equivalent Unit shall submit a request to the Legal Service for clearance that the goods to be condemned are not subject of any pending complaint filed with the Department of Justice or subject of a pending criminal or civil proceedings in any judicial tribunal.

The following documents shall be attached to the request for clearance:

- a. Matrix of goods subject of disposal;
- b. Copy/ies of the Order of Forfeiture or Decree of Abandonment; and
- c. Certificate of Finality

In its certification, the Legal Service should categorically state if the shipment subject of the request can be disposed or not.

The Legal Service shall, within five (5) working days from receipt of the request and the complete set of documents shall issue the said clearance.

The port must ensure that the clearance from the Legal Service is obtained prior to the preparation of the Detailed Plan of Condemnation. Failure to obtain the clearance shall be penalized under Section 1430 and Title XIV, Chapter 2 of the CMTA, Neglect

of Duty and other administrative liability in accordance with existing civil service laws, rules and regulations.

Section 11. Conduct of Examination. Within two (2) days from receipt of the Clearance from the Legal Service, the ACDD shall cause the examination/inventory of forfeited/abandoned goods to determine its mode of disposition.

Section 12. Preparation of the Detailed Plan of Condemnation. The ACDD/equivalent unit shall immediately prepare the Detailed Plan of Condemnation ("Annex B") based on the results of examination/inventory conducted on the goods which shall include the following details:

- d. Mode of Condemnation;
- e. Nature of the items or Goods to be destroyed or condemned, including their packaging and markings, if any;
- f. Certificate of Finality of Order of Forfeiture or Decree of Abandonment;
- g. Certification by the ACDD Examiner or equivalent that the goods are subject for condemnation;
- h. Legal basis or justification for the condemnation of the goods;
- i. Special or technical requirements needed to ensure the complete destruction and to prevent the subsequent retrieval by persons or even by animals;
- j. In case of regulated goods, that the mode of condemnation is in accordance with the rules and regulation of the appropriate government agency;
- k. Notice and invitation to government agencies to participate as witnesses to the condemnation process and to ensure that their own regulations on such activities are observed;
- l. Expected contingencies such as crowd control, looters and scavengers and the general security concerns;
- m. Required reports to be submitted after the destruction or condemnation and the signatories thereof; and
- n. Timeline to complete the condemnation. For this purpose, below shall be the maximum period given to service contractors to finish the condemnation of goods awarded to them save in cases of fortuitous event or force majeure and other analogous reasons:

No. of Containers	Maximum No. of Days to Complete Condemnation
1-5 Twenty Equivalent Units (TEUs)	5 days
6-10 TEUs	10 days
11 or More TEUs	30 days
For goods subject of Letter of Authority (LOA)	30 days

If the goods for condemnation is subject of litigation before the Department of Justice or the courts, the Detailed Plan of Condemnation

shall indicate the representative quantity of the whole shipment for segregation, if necessary, which shall be kept under custody, while the rest of the goods shall be disposed in the manner prescribed under the preceding section.

Section 13. Order of Condemnation. Within twenty-four (24) hours from the receipt of the Detailed Plan of Condemnation, the Condemnation Committee shall cause the preparation of the Order of Condemnation (Annex "C") for the approval of the District Collector, containing the information in the Detailed Plan of Condemnation and the service contractor chosen to perform the destruction/condemnation of the goods. The District Collector shall approve or disapprove the Order of Condemnation within twenty-four (24) hours from receipt thereof.

In selecting the active and accredited service contractor/s who shall undertake the condemnation, the Condemnation Committee shall observe the following guidelines:

- a. Only service contractors with sufficient facility/equipment/machineries to perform the required mode of condemnation will be considered;
- b. Capability of the chosen service contractor to safe-keep the emptied container/s;
- c. Track record/reputation of the service contractor; and
- d. For containerized cargoes and pursuant to Section 9.6.5 of CAO No.03-2020, contractors nominated by the Association of International Shipping Lines (AISL), Inc. shall be given priority in the selection of the accredited contractor who will undertake the condemnation/destruction of the goods loaded in containers owned by their member Shipping Lines.

Section 14. Notice of the Date of Condemnation. It shall be the responsibility of the Condemnation Committee to ensure that all concerned offices are duly notified three (3) days prior to the time, date and schedule of the condemnation. Such notice shall be sent electronically and accompanied by relevant documents, including the documentary requirements as stated below:

- a. Approved Order of Condemnation;
- b. Gate Pass; and
- c. Clearance from the Legal Service.

The sending of electronic notice to the official email address of the concerned offices and duly acknowledged by such offices shall be sufficient for purposes of notification of the schedule of condemnation.

Likewise, electronic notice shall also be provided twenty-four (24) hours in advance for any rescheduled activities resulting from cancellation/postponement of the condemnation for valid reasons.

Unless authorized by the Bureau, only concerned Bureau officials or their representatives or deputized law enforcement officer/s shall be allowed entry to the

condemnation facility from the arrival of the goods until termination of the condemnation activity.

Section 15. Issuance of Gate Pass, Notice of Award/Release. Within twenty-four (24) hours from the approval of the Order of Condemnation, the corresponding Gate Pass and Notice of Award for the release of goods shall be prepared by the ACDD or its equivalent unit for approval of the District Collector. The accredited contractor shall be given the Notice of Award, certified copy of the Order of Condemnation and duplicate copy of the Gate Pass. During the same period, same documents shall be transmitted electronically by the Chief, ACDD or its equivalent unit to the Director, Port Operations Service (POS), the Office of the Commissioner, the apprehending unit if applicable, and the ESS for monitoring purposes.

The District Collector shall, within the same period also, write the terminal operator a letter-request for the extension of the storage period.

Section 16. Issuance of Container Release Order by Shipping Lines. The ACDD or equivalent unit shall, within twenty-four (24) hours from receipt of the Order of Condemnation, furnish the shipping line concerned or the AISL if a member, via email or other electronic means, the approved Order of Condemnation and supporting documents for the issuance of the required Container Release Order (CRO) covering the shipment for condemnation. For this purpose, the ACDD shall secure from the shipping lines or AISL their respective email address or other means of electronic transmission.

The Shipping Line shall within seventy-two (72) hours from receipt of the Order of Condemnation and supporting documents from the ACDD or equivalent unit, issue the CRO in favor of the nominated service contractor. The shipping lines shall also send copies of the CRO electronically to the terminal operators for issuance of their Gate Pass.

Without prejudice to the preceding paragraph, the contractor and shipping line concerned may enter into an internal arrangement on how the return of the empty container from the contractor's facility to the shipping line's depot can be effected.

Section 17. Action in Case of Non-issuance of CRO by Shipping Lines. In the event the CRO is not issued despite the lapse of the 72 hours as prescribed in the preceding paragraph, the District Collector shall write the terminal operator for the issuance of the corresponding gate pass to allow the transfer of the container to the condemnation facility.

The service contractor shall execute a duly notarized Affidavit of Undertaking for submission to the District Collector of the Port concerned (Attention: The Deputy Collector for Operations) committing to safekeep the empty containers and retain physical custody of the same until further disposition by the Bureau. For this purpose, the service contractor shall designate a marshalling area within his facility where these emptied containers shall be kept until their return to the owner-shipping line.

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The service contractor shall inform the port, through its Container and Cargo Control Division (CCCD) or equivalent unit twenty-four (24) hours after the containers have been emptied, of such fact for sending of notice to the shipping line to claim the emptied containers.

Section 18. Release of Containers Owned by Inactive Shipping Line. In cases where the goods for condemnation are loaded in containers whose owners are unknown or are owned by shipping lines which are no longer operating in the Philippines and issuance of the CRO is no longer possible, the District Collector concerned shall directly inform the terminal operator of such fact and request the terminal operator to issue the corresponding gate pass even without the requisite CRO.

The accredited service contractor, as nominated by the Port concerned shall likewise be required to submit the notarized Affidavit of Undertaking mentioned in the preceding Section.

After two (2) days from receipt of notice from the service contractor, the District Collector shall issue a WSD or institute abandonment proceedings against the emptied container/s.

Section 19. Pull-out of Containers by Contractors. Service contractors shall commence the pull-out of containers within twenty-four (24) hours from issuance of the CRO by the shipping line. For cases falling under Sections 17 and 18, pull-out of containers shall commence upon receipt by the terminal operator of the letter-request from the District Collector.

Unless a different period is indicated in the Order of Condemnation, the nominated service contractors must complete the pull-out of containers within five (5) days from issuance of the CRO or authority from the Bureau, whichever is applicable. Contractors who fail to complete the pull-out within the period provided shall be liable for payment of liquidated damages as may be provided in the Order of Condemnation and/or Notice of Award, without prejudice to other administrative sanctions or penalties that may be imposed by the Bureau.

Section 20. Supervising Team for Condemnation. A Supervising Team for Condemnation is hereby created which shall be headed by the Chief, ACDD or its equivalent unit, and shall include representatives from ACDD, ESS, CIIS and such other Bureau personnel that the District Collector may authorize. The Supervising Team shall have the following duties and responsibilities.

- 20.1. Ensure the faithful compliance to the Detailed Plan of Condemnation. All goods shall be under continuous under-guarding by the unit specified in the Detailed Plan of Condemnation until it reaches the facility of the service contractor. For containerized goods, the transfer must be compliant with the guidelines provided under CMO 04-2020 on Establishment of an Electronic Tracking of Containerized Cargo System (E-TRACC System) and Accreditation of a Service Provider.

for the Purpose. Upon arrival of the goods for condemnation at the facility of the service contractor, the same shall be immediately unloaded and transferred to a secured area within the facility.

- 20.2.** Give the instruction to the service contractor to proceed with the condemnation of the goods in the mode specified in the Order of Condemnation. For purposes of this Order, the actual condemnation of goods shall be undertaken during working hours and may be extended for some justifiable circumstances beyond working hours.
- 20.3.** May temporarily suspend the condemnation process and shall make a report as to the quantity of goods actually condemned for the day including the remaining goods for condemnation. For this purpose, the Supervising Team shall maintain a logbook wherein a detailed report on the activity done for the day will be declared, with the following information:
- a. Date;
 - b. Name of Consignee;
 - c. Container Number (if available);
 - d. Time of Start/End of Condemnation;
 - e. Quantity and Specific description of goods to be condemned;
 - f. Number and description of goods actually condemned for the day;
 - g. Basis for extension of the condemnation activity beyond working hours;
 - h. Ending balance of goods to be condemned; and
 - i. Names of Bureau of Customs personnel, including representatives from the regulating agency and Commission on Audit (COA) present during the condemnation with their signatures affixed therein, including their time of arrival and departure.

The same process shall be observed by the Supervising Team until such time all goods have actually been condemned.

Section 21. Completion Report. Upon termination of the condemnation activity, the Supervising Team for Condemnation or equivalent unit shall cause the preparation of the Completion Report (Annex "D") which shall be signed by all the members of the Supervising Team including the authorized signatory of the service contractor. The Completion Report shall include in detail all the activities done during the condemnation process with the following information:

- a. Final Inventory Report of the subject shipment duly prepared and certified by the assigned ACDD examiner or equivalent;
- b. Detailed description of items condemned;
- c. Total number of goods condemned;

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- d. Number of goods condemned daily;
- e. Duration of the entire condemnation activity;
- f. Number of hours rendered by members of the Supervising including those beyond working hours;
- g. Number of containers which have been pulled-out that are in the possession and custody of the service contractor and stored in the marshalling area of his facility; and
- h. All pertinent documents (including photographs and video clips) relative to the process of disposal, duly certified by head of disposing office.

The Completion Report shall be submitted to the District Collector, copy furnished the CIIS and ESS.

After receipt of the Completion Report, the District Collector shall issue the Certificate of Condemnation (Annex "E") attesting that the goods have been fully condemned at the facility of the nominated service contractor.

Section 22. Monitoring by CCCD of Emptied Containers. The Container and Cargo Control Division (CCCD) or equivalent unit shall ensure that empty containers stored at the condemnation facility are still intact thereat for final disposition by the Port. It shall be the responsibility of the CCCD to ensure that the shipping lines concerned are given notice to claim their respective containers within five (5) days from receipt of the notice to claim. The service contractor shall release the empty container to the shipping line upon full payment of the agreed amount in relation to the services rendered in the condemnation of the cargo.

Emptied containers which have not been pulled-out by the shipping lines five (5) days after receipt of the notice to claim from the CCCD shall be deemed abandoned and shall be proceeded against by the Bureau pursuant to the rules on abandonment and disposal of forfeited shipments.

Section 23. Close Coordination with Shipping Lines and Arrastre Operators. All ports are hereby directed to closely coordinate with the Shipping Lines and the terminal operators to expedite the disposition and pull-out of goods for condemnation and ensure the effective implementation of this Order.

Section 24. Overtime Service. Members of the Supervising Team for Condemnation shall be entitled to overtime payment for services rendered beyond official working hours. For this purpose, an authority to render overtime service (ATROS) shall be given by the District Collector to the Supervising Team for Condemnation members.

Section 25. Sanctions. In case the accredited service contractor defaulted in condemning the goods or is found to be in violation of any rules, the Condemnation Committee shall recommend the imposition of the following sanctions to the District Collector, to wit:

1st Offense : Suspension for one (1) year

2nd Offense : Suspension for five (5) years
3rd Offense : Perpetual disqualification

The service contractor may file a motion for reconsideration of the penalty within fifteen (15) days from receipt of the Order. In case of denial thereof, the aggrieved service contractor may file an appeal to the Commissioner, Attn: Legal Service

The District Collector upon receipt of the recommendation shall immediately issue a Suspension/Disqualification Order against the erring service contractor. A copy of the Suspension Order shall be forwarded to the Condemnation Committee, one (1) day from its issuance. This is without prejudice to the forfeiture of the performance bond posted by the service contractors for non-compliance for any of the provision in the order of condemnation, without prejudice to any administrative or criminal action that the Bureau may institute against the latter.

Any officer or employee of the Bureau who violates any or part of the provisions or non-compliance with the effective implementation of this CMO, shall be administratively liable and shall be immediately relieved, transferred to another office, or assigned to a less sensitive position in the Bureau pursuant to Civil Service laws, rules and regulations, without prejudice to civil and/or criminal liability, if so warranted under the circumstances.

Section 26. Appeal to the Commissioner. Any service contractor who has been sanctioned pursuant to the preceding Section may appeal the decision of the District Collector to the Commissioner (Attn: Legal Service) within fifteen (15) days from receipt of the Order of Suspension or Perpetual Disqualification.

An Appeal Fee in the amount of Three Thousand Pesos (PhP3,000.00) plus Legal Research Fee of Thirty Pesos (PhP 30.00) shall be paid by the service contractor, the official receipt therefor shall be attached to the appeal memorandum. Otherwise the appeal shall be deemed as not filed.

Section 27. Transitory Provisions.

27.1. All active accredited service contractors are hereby required to post the annual performance bond in the amount of Php500,000.00 in the form of surety as a guarantee to secure performance of its obligations at the Bonds Division or equivalent unit of the port.

27.2. All District Collectors are hereby directed to review the documentary requirements previously submitted by active accredited contractors in their respective ports within fifteen working (15) days from effectivity of this Order. Any lacking documentary requirement in accordance with Section 6 of this Order shall be complied with by the contractor within two (2) months from notice. Otherwise, the accreditation shall be revoked.

27.3. Active accredited contractors who do not have existing marshalling areas are given a period of five (5) months from the effectivity of this Order to comply with the said requirement. Otherwise, the accreditations shall be suspended until such time the contractors satisfy the said requirement.

27.4. All active contractors whose accreditations are at least three (3) years from date of approval shall be required to apply for renewal within fifteen (15) working days from effectivity of this Order. Otherwise, the accreditation shall be suspended until such time the accreditation is renewed.

Section 28. Repealing Clause. All CMOs, Orders and Memoranda which are inconsistent herewith are deemed modified or repealed accordingly.

Section 29. Effectivity. This Order shall take effect fifteen (15) days after its posting in the official website of the Bureau.

The Office of National Administrative Register (ONAR) of the UP Law Center shall be provided three (3) certified copies of this Order.



REY LEONARDO B. GUERRERO

Commissioner

JUL 29 2021



BOC-02-06795

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ANNEX "A"

CERTIFICATE OF ACCREDITATION

This is to certify that _____ (name/business name), with business address at _____, with TIN No. _____ is a duly ACCREDITED CONTRACTOR of the Port of _____, Bureau of Customs, after satisfactorily complying with the requirements stated in CAO/CMO-_____.

This certificate shall remain valid and existing from _____ to _____, unless otherwise earlier revoked.

Issued this ___ day of _____, _____.

District Collector of Customs

Control No. _____
Seal

(Date)

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DETAILED PLAN OF CONDEMNATION

No. _____

I. DETAILED DESCRIPTION OF ITEMS/GOODS TO BE DESTROYED/CONDEMNED, INCLUDING THEIR PACKAGING:

CONTAINER NUMBER / LOCATION	CONSIGNEE	DETAILED DESCRIPTION OF GOODS	EXACT QUANTITY	S.I. NO. / A.P. NO.	MODE OF CONDEMNATION

II. BASIS OF CONDEMNATION (indicate the applicable laws/regulations)

1. CMTA provision and other related laws
2. CAO or CMO provision
3. Certificates/clearance issued by regulating agencies
4. Others

III. MODE OF CONDEMNATION / ACCREDITED CONTRACTOR

MODE OF CONDEMNATION	
ACCREDITED CONTRACTOR	
ADDRESS/LOCATION	

IV. SUPERVISING TEAM for CONDEMNATION

1. Team Leader – ACDD Chief (mandatory)
2. Member – CIIS Representative (mandatory)
3. Member – ESS Representative (mandatory)
4. Member – ACDD personnel
5. Other member

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V. TIMETABLE

VI. LOGISTICS

All operating costs and such other related expenses that will be incurred during the condemnation process from the hauling of the goods for condemnation to the facility of the accredited contractor, will be borne by the said contractor without cost to the government.

The Supervising Team of for Condemnation shall be entitled to receive transportation and meal allowance including overtime pay for services rendered beyond working hours.

VII. GOVERNMENT AGENCIES AND BUREAU OF CUSTOMS OFFICES MAY BE AUTHORIZED TO WITNESS THE CONDEMNATION

1. Office of the District Collector
2. Office of the Deputy Collector for Operations
3. ACDD or equivalent unit
4. Office of the Commissioner
5. Port operations Service
6. Commission on Audit
7. Regulating Agencies
8. Other offices concerned

VIII. NEEDED REPORTS TO BE SUBMITTED AFTER DESTRUCTION/CONDEMNATION

1. Completion Report duly signed by the Supervising Team for Condemnation
2. Certificate of Destruction duly signed by the Supervising Team for Condemnation
3. Pictures taken during actual destruction.

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IX. SCHEDULE OF CONDEMNATION/DESTRUCTION

Date of Release from Arrastre Operator: _____
Approximate Time or Arrival at the Facility of the Contractor: _____

_____ Committee Member	_____ Committee Member
_____ Committee Member	_____ Committee Member

Recommended for Approval by:

Committee Chairman

Approved by:

District Collector of Customs

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(Date)

ORDER OF CONDEMNATION

No. _____

Pursuant to the provision of Section 1145 of the Customs Modernization and Tariff Act and CAO/CMO No. _____, and other related laws, rules and regulations, the Committee hereby recommends, in the interest of public health, the CONDEMNATION of the following shipments that were ordered FORFEITED/ABANDONED in favor of the government pursuant to (laws/regulations requiring the destruction or other justifications), to wit:

CONTAINER NUMBER / LOCATION	CONSIGNEE	DETAILED DESCRIPTION OF GOODS	EXACT QUANTITY	S.I. NO. / A.P. NO.	MODE OF CONDEMNATION

The condemnation shall be done through the facility of (Accredited Contractor) located at _____ (address) _____. The Supervising Team of Condemnation shall ensure the goods for condemnation shall be underguarded from its location to the facility of the accredited contractor.

Committee Member

Committee Member

Committee Member

Committee Member

Recommended for Approval by:

Committee Chairman

Approved by:

District Collector of Customs

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Margaret G. Manalaysay
MARGARET G. MANALAYSAY
Administrative Officer V

COMPLETION REPORT

I. Detailed Description of Items for Condemnation

CONTAINER NUMBER / LOCATION	CONSIGNEE	DETAILED DESCRIPTION OF GOODS	EXACT QUANTITY	S.I. NO. / A.P. NO.	MODE OF CONDEMNATION

II. TALLY OF CONDEMNED ITEMS DAILY

Day				
Day 1				
Day 2				
Day 3				
Day 4				
Day 5				

III. Bureau of Customs (BOC) AND OTHER PERSONNEL PRESENT DURING THE CONDEMNATION

IV. PICTURES TAKEN DURING EXAMINATION

(pictures taken during condemnation)

Bureau of Customs
CENTRAL RECORDS MGT. DIVISION
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V. CERTIFICATION FROM THE CONDEMNATION COMMITTEE

We, hereby certify, that, all the goods for condemnation have actually been fully condemned by (mode of condemnation) in (total number of days) days in the presence of other BOC representatives and government agencies.

CIIS Representative

ESS Representative

Team Member

Team Member

Approved by:

ACDD Chief

Bureau of Customs
CENTRAL RECORDS MGT. DIVISION

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CERTIFICATE OF CONDEMNATION

This is to certify that the goods for condemnation under the Order of Condemnation No. _____, have been fully condemned at the facility of the _____, an accredited contractor of the Bureau of Customs located at _____.

Issued this ____ day of _____, _____.

District Collector

Control No. _____

Port Seal

Bureau of Customs
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