



Republic of the Philippines  
Department of Finance  
**BUREAU OF CUSTOMS**  
Office of the  
COMMISSIONER

October 16, 1990

CUSTOMS MEMORANDUM ORDER  
NO. 76-90

TO: All Collectors of Customs  
All Service Chiefs  
All Division Chiefs  
All Others Concerned

SUBJECT: Procedure in the issuance of clearance  
to releases and/or transfers of shipments  
from the Security Warehouse.

I. OBJECTIVES

1. To facilitate the issuance of clearance to releaser and/or transfers of shipments from the Security Warehouse.
2. To protect the interest of the government.

II. COVERAGE

This Order shall cover releases and/or transfers of the following shipments from the Security Warehouse.

1. abandoned and/or forfeited cargoes disposed thru public auction sale or by negotiated sale or by donation.
2. cargoes covered by warrants of seizure and detention or alerted cargoes held pending verification of requirements, documentation and identification which are transferred to the Security Warehouse for safe keeping but subsequently ordered released by the District Collector of Customs or by higher authority.
3. unclaimed cargoes declared by the Collector of Customs as abandoned but later on reclaimed by the owner or importer thereof within the period prescribed by law.

III. DOCUMENTARY REQUIREMENTS

Request for the issuance of clearance for the release and transfer of shipments from the Security Warehouse must be accompanied by the following documents:

A. For shipments covered by a seizure case

1. Where the warrant of seizure and detention issued therefor is lifted, documents to be submitted are as follows:

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- 1.1 Decision duly signed by the Collector of Customs.
  - 1.2 Clearance duly signed by the Commissioner of Customs approving the decision of the Collector of Customs.
  - 1.3 Official receipt showing payment of duties, taxes and other charges plus penalties, if any.
  - 1.4 Entry and other supporting papers.
  - 1.5 Gate Pass processed by the ACDD
2. Where the offer of settlement was approved by the Commissioner of Customs, documents to be submitted are as follows:
- 2.1 Memorandum/Indorsement indorsing the offer of settlement to the Commissioner of Customs.
  - 2.2 Approval of the offer of settlement by the Commissioner of Customs.
  - 2.3 Official receipt showing payment of duties, taxes other charges and fine.
  - 2.4 Entry and other pertinent papers.
  - 2.5 Gate Pass processed by the ACDD.
- B. For shipments covered by abandonment proceedings, documents to be submitted are as follows:
1. Order Lifting the Abandonment Proceedings
  2. Official receipt showing payment of duties, taxes and other charges
  3. Entry and other pertinent papers
  4. Gate Pass processed by the ACDD
- C. For shipments held pending verification of requirements, documentation and identification which transferred to the Security Warehouse for safekeeping, documents to be submitted are as follows:
1. Indorsement from the alerting office interposing no objection to the continuation of the processing of the entry
  2. Action by concerned customs official allowing the processing of the entry
  3. Official receipt showing payment of duties, taxes and other charges
  4. Entry and other pertinent papers
  5. Gate Pass processed by the ACDD

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D. For shipments covered by a Hold Order, documents to be submitted are as follows:

1. Indorsement from the alerting office interposing no objection to the lifting of the hold order therefor
2. Memorandum/Indorsement from the Collector of Customs recommending the lifting of the hold order to the Commissioner of Customs
3. Clearance/Approval from the Commissioner of Customs
4. Official receipt showing payment of duties, taxes and other charges
5. Entry and other pertinent papers
6. Gate Pass processed by the ACDD

E. For shipments or cargoes sold thru auction

1. Notice of Award
2. Official Receipt showing payment of the bid price
3. Gate Pass processed by the ACDD

F. For shipments or cargoes sold thru negotiated sale

1. Approval from the Department of Finance
2. Indorsement from the Commissioner of Customs endorsing the highest offeror
3. Notice of Award
4. Official Receipt showing payment of the offer price
5. Gate Pass processed by ACDD

G. For shipments or cargoes disposed by way of donation

1. Clearance Issued by the Commissioner of Customs
2. Deed of Donation
3. Gate Pass processed by ACDD

H. Other releases/transfers

1. Authority allowing the release of transfer
2. Gate Pass processed by ACDD

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IV. ADMINISTRATIVE PROVISIONS

1. Gate Pass shall be processed by the Auction and Cargo Disposal Division (ACDD) to cover releases and/or transfers of shipments mentioned in paragraph II hereof from the Security Warehouse.

2. Gate Pass duly processed by ACDD must specify with particularity the nature and quantity of the shipment as indicated in the authority to release or transfer duly issued therefor. In addition, the Chief, ACDD must indicate on the face of the Gate Pass the following information:

1. Plate Number of the truck to be used in transporting articles from the Security Warehouse.
2. Names of the driver and helpers.

3. The person effecting the release or transfer of shipments from the Security Warehouse must be armed with an authority issued by the consignee/owner. For this purpose, the authority shall be in the form of a duly notarized special power of attorney executed by the consignee/owner of the shipment. This requirement shall not apply if the person claiming the shipment is the consignee/owner or winning bidder himself.

V. OPERATIONAL PROCEDURES

1. Request for the issuance of clearance (together with the necessary documents) must be transmitted by the Chief, Auction and Cargo Disposal Division (ACDD) by official messenger to the customs official authorized by the Commissioner of Customs to act and approve such request.

2. The concerned customs official shall, immediately after receipt of the request for clearance, evaluate the request and shall approve the same if found in order.

3. Request for clearance acted upon by the concerned customs official shall be returned to the ACDD for the implementation of the directive made by him.

4. Release or transfer of shipments from the Security Warehouse shall always be effected on the date and time indicated by the concerned customs official on the face of the request for clearance and in his presence and representatives from the Customs Intelligence & Investigation Service (CIIS) and Enforcement & Security Service (ESS) who shall affix their signatures in the Gate Pass. It shall be understood that the absence of the CIIS and/or ESS representatives or both shall not be a ground to delay and/or postpone the scheduled release or transfer. However, the CIIS/ESS representative who fails to witness, despite notice, shall be dealt with accordingly.

- 4.1 The Chief, ACDD shall be responsible in giving notice (in writing) to the CIIS and ESS representatives of the scheduled release.

*J. W. M. M. M.*

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VI. REPEALING CLAUSE

All Customs Orders and/or circulars inconsistent with this Order are hereby repealed/amended or modified accordingly.

VII. EFFECTIVITY CLAUSE

This Order shall take effect beginning October 24, 1990.

*Salvador M. Mison*  
SALVADOR M. MISON  
Commissioner