



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF CUSTOMS**  
MANILA 1099

November 22, 2016

**CUSTOMS MEMORANDUM CIRCULAR**  
NO. 103 - 2016

**TO:** All Deputy Commissioners  
All Directors and Division Chiefs  
All District / Port Collectors  
And Others Concerned

**SUBJECT: Memorandum of Agreement between the Authority of the Freeport Area of Bataan (AFAB) and the Bureau of Customs (BOC)**

Attached is the signed and notarized Memorandum of Agreement between the Authority of the Freeport Area of Bataan (AFAB) and the Bureau of Customs (BOC), regarding the use of BOC's current office covering an area of **One Hundred Fifty Three point Forty Eight Square Meters (153.48 sq.m.)** located at the lower ground floor of the AFAB Administration Building, Freeport Area of Bataan, Mariveles, Bataan.

For your information and guidance.

Please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

  
**NICANOR E. FAELDON**

Commissioner



MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement (the "MOA") is entered into and executed this  
\_\_\_\_\_ day of ~~NOV 09 2016~~ 2016, by and between:

The **AUTHORITY OF THE FREEPORT AREA OF BATAAN**, a body corporate created and operating under Republic Act No. 9728, with office address at the 2<sup>nd</sup> Floor Administration Building, Freeport Area of Bataan (FAB), Mariveles, Bataan, represented herein by its Chairman and Administrator, **EMMANUEL D. PINEDA**, hereinafter referred to as "**AFAB**";

- and -

The **BUREAU OF CUSTOMS**, with office address at Ground Floor, OCOM Bldg., Port Area, Manila City, represented herein by its Commissioner, **NICANOR E. FAELDON**, hereinafter referred to as "**BOC**";

WITNESSETH:

**WHEREAS**, under Republic Act No. 9728 (RA 9728), the Bataan Economic Zone under the Philippine Economic Zone Authority (PEZA) located in the Municipality of Mariveles, Province of Bataan, was converted into a special economic zone and freeport, now known as the Freeport Area of Bataan (the FAB), to be operated and managed by the AFAB;

**WHEREAS**, Republic Act No. 10863 (RA 10863), otherwise known as the "Customs Modernization and Tariff Act," provides that the BOC has duties, powers, and jurisdiction which shall include, but not limited to, the assessment and collection of lawful revenues from imported articles and all other dues, fees, charges, fines and penalties accruing under the tariff and customs laws, and the enforcement of the tariff and customs laws and all other laws, rules and regulations relating to the tariff and customs administration;

**WHEREAS**, on 28 April 2001, the PEZA and the BOC executed a Memorandum of Agreement (MOA), wherein both Parties recognized their responsibility to ensure protection of government revenues, and thus it is an operational imperative to simplify and streamline existing systems, procedures, rules and regulations governing tax and duty-exempt importations and exportations of the registered enterprises, in order to create a business climate conducive to investment promotion and export development for sustained economic recovery and growth;

WHEREAS, pursuant to the said MOA, the AFAB hereby recognizes the need for the BOC to have an extension office inside the FAB;

NOW, THEREFORE, in consideration of the foregoing premises and stipulations herein set forth, the AFAB and the BOC (hereinafter collectively referred to as the "PARTIES") do hereby agree as follows:

1. The area where the BOC is currently located shall be used actually, directly, exclusively, strictly and solely as stated in its mandate;
2. The AFAB shall allow the BOC to use and occupy its current office located at the Ground Floor, AFAB Administration Building, Freeport Area of Bataan, Mariveles, Bataan covering an area of **One Hundred Fifty Three point Forty Eight Square Meters (153.48 sq.m.)**, as clearly indicated by the bold red mark in the map attached hereto as Annex "A" and made an integral part hereof;
3. It is expressly understood that the BOC's privilege to use common areas is not exclusive to the BOC. Such access or use shall be subject to the following restrictions and regulations, and to such other rules or orders as may be promulgated from time to time by the AFAB:
  - a. The BOC shall not at any time park vehicles except for such length of time as may be necessary to perform its daily undertakings;
  - b. The AFAB shall have the sole and exclusive right at any time to relocate driveways, entrances and exits in common areas located near the area, change the boundaries or locations of the various parking areas, diminish or rearrange the parking pattern therein, or add additional parking spaces; and
  - c. The BOC shall not allow parking and other areas of common use to be obstructed by its operations except as may normally be carried on in connection with the needs of the business.
4. This MOA shall take effect upon signing by the Parties hereto and shall remain in full force and effect, unless otherwise mutually terminated earlier by the Parties.




IN WITNESS WHEREOF, the Parties have caused this Contract to be signed by their duly authorized representatives as of the day and year first above written.

**AUTHORITY OF THE FREEPORT  
AREA OF BATAAN**

**BUREAU OF CUSTOMS**


BY:

BY:

  
\_\_\_\_\_  
**EMMANUEL D. PINEDA**  
Chairman and Administrator

  
\_\_\_\_\_  
**NICANOR E. FAELDON**  
Commissioner

**SIGNED IN THE PRESENCE OF:**

  
\_\_\_\_\_

  
\_\_\_\_\_  
Atty. Jessica Maria M. Namuri

ACKNOWLEDGMENT

Republic of the Philippines)  
Mariveles, Bataan ) S.S.

BEFORE ME, this \_\_\_\_ day of NOV 09 2016 in Mariveles, Bataan, personally appeared:

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE & PLACE OF ISSUE/EXPIRY
EMMANUEL D. PINEDA	Passport No. EC4011784	Manila/21 April 2020
NICANOR E. FAELDON	Passport No. EC8099730	Manila/22 June 2021

both known to me to be the same persons who executed the foregoing instrument, and acknowledged the same to be their own free and voluntary act and deed, and that of the entities they each represent.

This instrument refers to a "Memorandum of Agreement", consisting of four (4) pages including this page of acknowledgment, has been signed by the parties on each and every page, and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto set my hand on the date and at the place first written above.

ABIGAIL F. ALMARIO  
Notary Public  
NOTARY PUBLIC for Bataan  
N.C. No. 2016-003-ML until 12/31/17  
FAB Post Office Bldg., Mariveles, Bataan  
PTR No. 617066; Mar., Bat.; 04/20/16  
IBP No 1038209; Roll No 51614

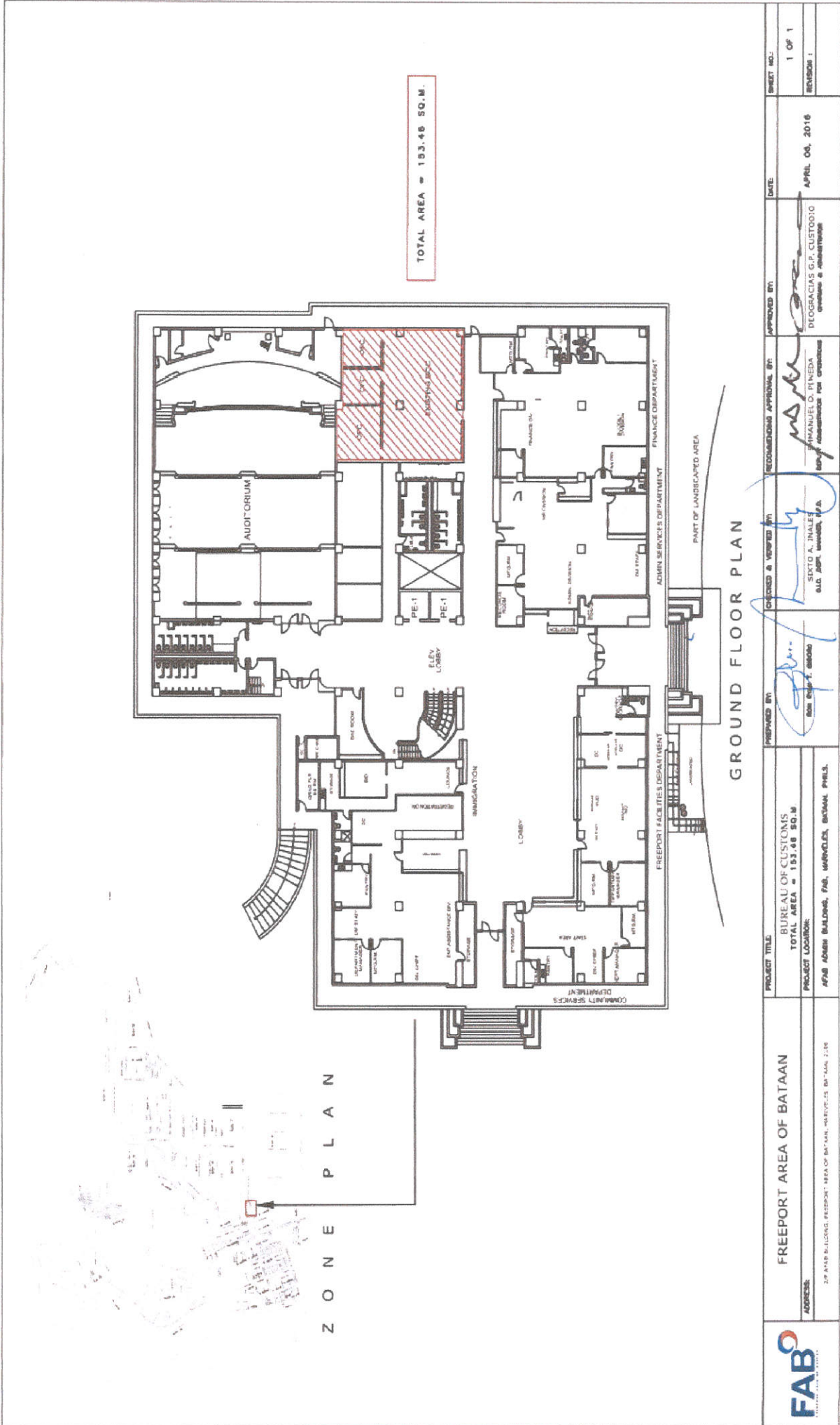
*Emildon*

Doc No. 289;  
Page No. 59;  
Book No. 11;  
Series of 2016. ✓

*mp*

*h*

ANNEX A



TOTAL AREA = 193.48 SQ.M.

GROUND FLOOR PLAN

	<p>PROJECT TITLE: BUREAU OF CUSTOMS TOTAL AREA = 193.48 SQ.M</p>	<p>PREPARED BY: SIXTO A. INALTA S.D. ARCHITECTS, INC.</p>	<p>CHECKED &amp; VERIFIED BY: MANUEL O. PINEDA S.D. ARCHITECTS, INC.</p>	<p>APPROVED BY: DEOGRACIAS G.P. CUSTODIO CREATIVE &amp; ADMINISTRATIVE</p>	<p>DATE: APRIL 06, 2016</p>	<p>SHEET NO.: 1 OF 1</p>
	<p>PROJECT LOCATION: AFAB Admin Bldg., Fab, Vehicles, Bataan Phs.</p>	<p>PREPARED BY: SIXTO A. INALTA S.D. ARCHITECTS, INC.</p>	<p>CHECKED &amp; VERIFIED BY: MANUEL O. PINEDA S.D. ARCHITECTS, INC.</p>	<p>APPROVED BY: DEOGRACIAS G.P. CUSTODIO CREATIVE &amp; ADMINISTRATIVE</p>	<p>DATE: APRIL 06, 2016</p>	<p>SHEET NO.: 1 OF 1</p>

*Architect*