



BUREAU OF CUSTOMS

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OCOM Memo No. 118-2022

MEMORANDUM

MASTER COPY *lmm*

TO : ALL DISTRICT COLLECTORS
ALL SUB-PORT COLLECTORS
ALL CONCERNED

FROM : *[Signature]*
YOGI FILEMON L. RUIZ
Acting Commissioner

SUBJECT : APPLICABLE PROVISIONS OF CMO NO. 28-2016 TO
DHL EXPRESS (PHILIPPINES) CORPORATION

DATE : 14 September 2022

SEP 23 2022



This refers to the request for clarification on the applicable provisions of Customs Memorandum Order (CMO) No. 28-2016³ to DHL Express (Philippines) Corporation (*DHL* for brevity).

In a letter received from DHL, it was reported that there were conflicting views among Bureau of Customs (BOC) officers on which provisions of CMO No. 28-2016 to apply. On the one hand, it is the stand of DHL that 6.1.1 to 6.1.5 on "Postal Consignments and Air Express Consignments" shall govern their transactions with the BOC. On the other hand, it was claimed that some BOC officers apply 6.4.1 to 6.4.4 which relate to ordinary "Consolidated Shipment Transported Through Air." DHL contends that the latter is a catch-all provision for other air shipments being transported through regular "consolidators" or "forwarders" which are not within the ambit of the term "Air express."

Under CMO No. 28-2016, the following forms and declarants of goods declaration were identified to determine the applicable rules and regulations:

Section 4. Form and Declarant of Goods Declaration for De Minimis Value.

- 4.1. **Air Express Consignments.** Goods declaration for air express consignments shall be lodged by the air express operator in the E2M system via accredited Value Added Service Providers (VASPs) and shall be cleared under the informal entry process.
- 4.2. **Consolidation Shipments.** Consolidated shipments sent either by sea or air shall be cleared through lodgment of the goods declaration by the importer, consignee or the freight forwarder if authorized by the

³ Guidelines for the Implementation of Customs Administrative Order (CAO) No. 02-2016.

importer or consignee under the informal entry process.

4.3. Postal Consignments. Until such time the prescribed form is issued by the Bureau, postal consignments shall be released under a simplified clearance procedure using CN 22 and CN 23.

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Noteworthy, despite the above listed form and declarant, the difference between air express consignments from consolidation shipments by air was not clearly delineated in the CMO. Understandably, this may cause the difference in the treatment of each shipment by customs officers and owing also to the fact that the application of each provision of the law depends on specific factual situations.

However, for uniform treatment of its shipment, DHL is considered as an Air Express Cargo Operator (AECO) which would generally fall under 4.1. Air Express Consignments of CMO No. 28-2016. Consequently, the applicable provisions for DHL and all other AECOs are **6.1.1 to 6.1.5 on Postal Consignments and Air Express Consignments.**

For strict compliance