



BUREAU OF CUSTOMS

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BOC-05-08969-A

AOCG Memo No. 243-2020

MEMORANDUM

TO : ALL PORTS AND SUBPORTS

ATTN : ALL DEPUTY COLLECTOR FOR OPERATIONS

FROM : ATTY. EDWARD JAMES A. DY BUCO
Deputy Commissioner, AOCG

SUBJECT : **Supplemental Manifest To Be Thoroughly Checked For Authenticity and Submission of All Amended Inward Foreign Manifest.**

DATE : NOVEMBER 23, 2020

Pursuant to Section 1400 under Title XIV (Offense and Penalties) of Customs Modernization and Tariff Act (CMTA) provides the grounds and penalties committing Misdeclaration, Undervaluation and Misclassification in Goods Declaration.

The rule in Section 1400 states: "Misdeclaration as to quantity, quality, description, weight or measurement of the goods, or misclassification through insufficient or wrong description of the goods or use of wrong tariff heading resulting to a discrepancy in duty and tax to be paid between what is legally determined upon assessment and what is declared, shall be subject to a surcharge equivalent to two hundred fifty percent (250%) of the duty and tax due"

The 2nd paragraph states that "there is undervaluation: when (a) the declared value fails to disclose in full the price actually paid or payable or any dutiable adjustment to the price actually paid or payable, or (b) when an incorrect valuation method is used or the valuation rules are not properly observed, resulting in a discrepancy in duty and tax to be paid between what is legally determined as the correct value against the declared value".

The last paragraph of Section 1400 states that "when the misdeclaration, misclassification or undervaluation is intentional or fraudulent, such as when a false or altered document is submitted or when false statements or information are knowingly made, a surcharge shall be imposed equivalent to five hundred percent (500%) of the duty and tax due and that the goods shall be subject to seizure regardless of the amount of the discrepancy without prejudice to the application of fines or penalties provided under Section 1401 of this Act against the importer and other person or persons who willfully participated in the fraudulent act".

In view thereof, you are hereby directed to thoroughly check/scrutinize all the documents being submitted (Inward Foreign Manifest, Bill of Lading/ House Bill of Lading, Commercial Invoice and Packing List) in order to collect the correct duties and taxes in favor of the government and to submit a hardcopy of **ALL AMENDED** Inward Foreign Manifest in a **WEEKLY BASIS** starting November 1 , 2020 onwards to this office.

For your immediate strict compliance.

South Harbor, Gate 3, Port Area, Manila 1099

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