



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

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**MASTER COPY**

March 05, 2019

**CUSTOMS MEMORANDUM CIRCULAR**

NO. 69-2019

To: All Deputy Commissioners  
All Directors and Division Chiefs  
All District/Port Collectors  
All Others Concerned

**SUBJECT: Tariff Dispute Ruling**

Pursuant to Commission Order No. 2018-1 (Rules of Procedure on Disputes Involving Tariff Classification), attached is the certified true copy of Tariff Classification Circular Dispute Ruling (TCC/DR) No. 19-001 issued on 27 February 2019.

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt thereof.

*Handwritten signature*  
**REY LEONARDO B. GUERRERO**  
Commissioner

MAR 08 2019





REPUBLIC OF THE PHILIPPINES  
TARIFF COMMISSION

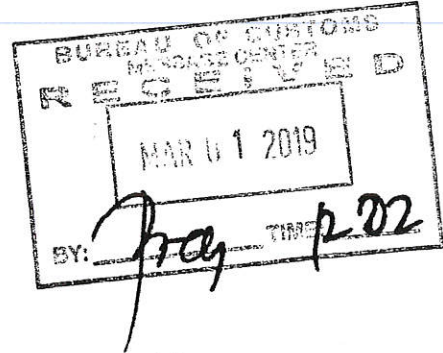
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IMPORTS ASSESMENT SERVICE

By:	
Date:	03/15
Time:	11:15 AM
Control No.:	2019-03-005

TCC Ref. No. 19-030

27 February 2019

**COMMISSIONER REY LEONARDO GUERRERO**  
Bureau of Customs  
Port Area, Manila



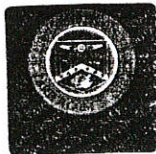
Dear **Commissioner Guerrero**:

Pursuant to the provisions of Section 1603(f) of the *Customs Modernization and Tariff Act* (Republic Act No. 10863), Section 4.9 of Commission Order No. 2017-1 (*Procedure on Application for an Advance Ruling on Tariff Classification Related to Importation of Goods*), and Section 9 of Commission Order No. 2018-1 (*Rules of Procedure on Disputes Involving Tariff Classification*), this Commission is pleased to furnish your good Office with original copies of three (3) Advance Rulings on Tariff Classification, with TCC (AR) Nos. 19-015A, 19-024, and 19-032, and one (1) Tariff Classification Dispute Ruling with TCC (DR) No. 19-001, issued by this Commission from 15 February to 27 February 2019.

Thank you.

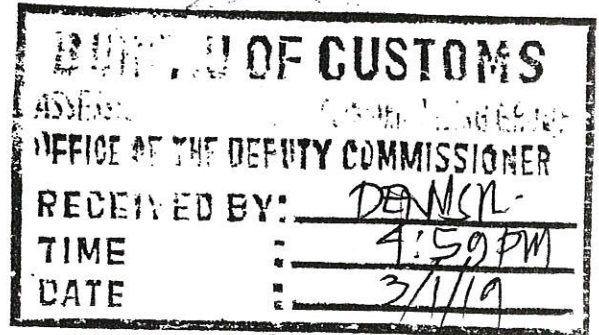
Very truly yours,

**MARILOU P. MENDOZA**  
Chairperson

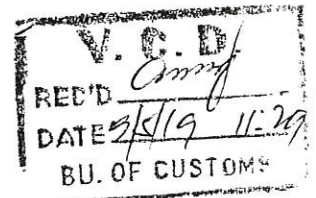


Encl: As stated.

cc: *The Secretary*  
Department of Finance  
Manila



# 2019-03-6105





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MASTER COPY

REPUBLIC OF THE PHILIPPINES

TARIFF COMMISSION

TCC (DR) No. 19-001

21 February 2019

**MR. JOSE B. MAGALONG**

Vice President

Automated Technologies, Inc.

5600 S. Osmeña Highway

Makati City

Tel. No.: 857 1888

Fax No.: 857 1806

Email: [joey.magalong@atiph.net](mailto:joey.magalong@atiph.net)

**SUBJECT: TARIFF CLASSIFICATION OF "ONTRACK ERASER® DEGAUSSER" CONSIGNED TO AUTOMATED TECHNOLOGIES, INC. AND PROCESSED UNDER IMPORT ENTRY NO. C-184107, NAIA**

Dear **Mr. Magalong**:

This refers to the tariff classification of subject article which you filed with this Commission for appropriate ruling, with TCC (DR) No. 19-001, pursuant to Section 1100 of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA).

We have taken note of the fact that the above-mentioned article has already been lodged with the Bureau of Customs (BOC), Ninoy Aquino International Airport (NAIA), per Import Entry No. C-184107. Thus, on 23 January 2019, we required the BOC District Collector to file her comment within ten (10) working days from receipt of our letter requesting her to comment on the tariff classification of subject importation. However, after the lapse of the given period, the BOC failed to submit any comment to controvert your submission.

Based on due examination of the documents and information submitted, subject article is a portable electronic device that erases recorded data on magnetic-based storage devices (magnetic tapes and hard drives). The magnetic tape or hard drive is placed into the erase slot located in the middle front part of the degausser. By pushing the Operate button (or by using the remote controller), it produces a powerful electromagnetic field (EMF) which changes the recorded magnetic alignment of a magnetic tape or disc to the direction of the applied EMF causing data erasure. It has the following specifications:

Erasing Capacity (drives/hr)	250
Electromagnetic Field (gauss)	18,000
Power Requirements	100-240 V AC; 50Hz / 60 Hz
Dimensions (L x W x H) (mm)	455 x 702 x 268
Weight (kg)	73

4<sup>th</sup> Floor West Insula Condominium, 135 West Avenue, Quezon City, 1105 Philippines

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Website: [tariffcommission.gov.ph](http://tariffcommission.gov.ph) • Philippine Tariff Finder: [finder.tariffcommission.gov.ph](http://finder.tariffcommission.gov.ph) • Email Address: [info@tariffcommission.gov.ph](mailto:info@tariffcommission.gov.ph)

*MA. ISABEL M. DE GUZMAN*  
MA. ISABEL M. DE GUZMAN

Records Officer III

Tariff Commission

2/27/19

Subject article is used to erase any recoverable data left from magnetic tapes and hard drives that have been subjected to reformatting.

Heading 85.43 of the ASEAN Harmonized Tariff Nomenclature (AHTN) 2017 covers electrical machines and apparatus, having individual functions, not specified or included elsewhere in this Chapter. The pertinent Harmonized System (HS) Explanatory Notes (EN) state that this heading covers all electrical appliances and apparatus, not falling in any other heading of this Chapter, nor covered more specifically by a heading of any other Chapter of the Nomenclature, nor excluded by the operation of a Legal Note to Section XVI or to this Chapter. The principal electrical goods covered more specifically by other Chapters are electrical machinery of Chapter 84 and certain instruments and apparatus of Chapter 90.

The electrical appliances and apparatus of this heading must have individual functions. The introductory provisions of the Explanatory Note to heading 84.79 concerning machines and mechanical appliances having individual functions apply, *mutatis mutandis*, to the appliances and apparatus of this heading.

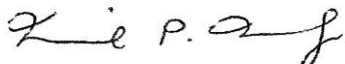
Most of the appliances of heading 85.43 consist of an assembly of electrical goods or parts (valves, transformers, capacitors, chokes, resistors, etc.) operating wholly electrically. However, the heading also includes electrical goods incorporating mechanical features provided that such features are subsidiary to the electrical function of the machine or appliance.

Accordingly, subject article is classifiable under AHTN 2017 subheading 8543.70.90G, with a Most Favoured Nation (MFN) rate of duty of 1% *ad valorem*.

This is for compliance by the BOC pursuant to Section 1100 of the CMTA.

Thank you.

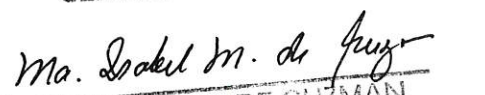
Very truly yours,

  
**MARILOU P. MENDOZA**  
 Chairperson



cc: **MS. CARMELITA M. TALUSAN**  
 District Collector  
 Bureau of Customs  
 BOC Bldg., Mendoza Ave.  
 Ninoy Aquino International Airport, Pasay City  
 Fax No. 879 6003  
 Email: [mimel\\_talusan@yahoo.com](mailto:mimel_talusan@yahoo.com)

CERTIFIED TRUE COPY

  
**MA. ISABEL M. DE GUZMAN**  
 Records Officer III  
 Tariff Commission 2/27/19