



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

16 July 2003

**CUSTOMS MEMORANDUM ORDER**

NO. 17-2003

SUBJECT : **Safeguard Duty on Importations  
Of Gray Portland Cement**

Pursuant to instructions contained in the 1<sup>st</sup> Indorsement, dated 10 July 2003, signed by DoF Usec. MA. GRACIA M. PULIDO TAN, in compliance with the letter-request, dated 25 June 2003, of Sec. MAR ROXAS, Department of Trade and Industry (DTI) to Sec. JOSE ISIDRO N. CAMACHO, Department of Finance (DoF), the implementation of the Decision (Annex 'A'), dated 25 June 2003, on Safeguard Case No. 02-2001, titled "In the matter of the Application for General Safeguard Measures Investigation Against Importation of Gray Portland Cement (H.S. Code Nos. 2523.2900 and 2523.9000) from Various Countries", is hereby directed, the salient points of which, among others, are as follows:

1. "A definitive safeguard duty in the amount of P20.60/40 kg.bag shall be imposed for three (3) years on imported gray portland cement from various countries which may be liberalized when deemed necessary. The first year of the implementation of the definitive safeguard measure shall include the period in which the provisional safeguard duty took effect i.e. 10 December 2001, the date of the issuance of Customs Memorandum Order No. 38-2001."
2. "Pursuant to Rule 13.3.c of the IRR of RA 8800, in case a cash bond has been filed, the same shall be applied to the definitive safeguards duty assessed."
3. "Pursuant to Rule 13 of RA 8800 and Rule 13.1.d of its IRR, 'a general safeguard measure shall not be applied to a product originating from a developing country if its share to total Philippine imports of the said product is less than three percent (3%): Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total Philippine imports of the product concerned.' " (Please see Annex 'B' - list of developing countries exempted from the definitive safeguard measure on gray portland cement.)

4. "All cash bonds that may have been imposed on shipments originating from exempted developing countries which entered in or are withdrawn from warehouses in the Philippines for consumption starting 10 December 2001, the date of the effectivity of CMO 38-2001, shall be immediately returned to the concerned importers."
5. All importers of gray portland cement regardless of port of exportation are required to secure a Certificate of Country of Origin (CO) issued by the authorized agency/office in the source country of manufacture as authenticated by the Philippine Embassy/Consulate thereat.
6. Imports originating from ASEAN Member states shall be governed by the provisions of Articles 6 and 8 of the Agreement on CEPT Scheme.

This Order to implement subject Decision on Safeguard Case No. 02-2001 shall remain in effect for three (3) years counted from 10 December 2001, the effectivity date of CMO 38-2001 (Annex 'C'), unless otherwise earlier repealed, revoked or superseded by another issuance of a competent authority.

This Order modifies CMO 38-2001 accordingly.

Effective immediately.



**ANTONIO M. BERNARDO**  
Commissioner

*Cc: Sec. Jose Isidro N. Camacho, DoF*

*Sec. Mar Roxas, DTI*

*Usec. Ma. Gracia Pulido-Tan, DoF*

*Encl: a/s*