



REPUBLIC OF THE PHILIPPINES  
Department of Finance  
**BUREAU OF CUSTOMS**  
OFFICE OF THE COMMISSIONER  
MANILA 1099

February 22, 2007

**CUSTOMS MEMORANDUM ORDER**

NO. 4-2007

To : All District/Port Collectors  
Service/Division/Section Chiefs  
All Others Concerned

Subject : Implementation of the Memorandum of Agreement (MOA) between the Department of Finance and the Department of Agriculture on Anti-Smuggling

**Section 1. Objective:**

To ensure the effective implementation of the MOA between the Department of Finance (DOF) assisted by the Bureau of Customs (BOC), and the Department of Agriculture (DA) assisted by its attached agencies, Bureau of Animal Industry (BAI), Bureau of Fisheries and Aquatic Resources (BFAR), Bureau of Plant Industry (BPI) and National Meat Inspection Service (NMIS) in support of the Government's drive against smuggling and illegal entry of agricultural and fishery products into the Philippines.

**Section 2. Coverage:**

This Order covers all importations of agricultural and fishery products whether entered under Consumption or Warehousing entries, and Transshipment Permits, more particularly, live animals, fish, trees and plants; fresh, chilled, and/or frozen meat and meat products, fish and other aquatic products, dairy products, plant and plant products, being regulated by the DA, its bureaus and its attached agencies (hereinafter referred to as DA offices for brevity).

**Section 3. Operational Responsibilities:**

The offices/officers named hereunder are hereby tasked and held responsible for the following activities:

3.1 The Director, Planning & Systems Development Service (PSDS) under the supervision of the Deputy Commissioner, MISTG shall be responsible for coordination and establishment of the requirements of the electronic linkages/Information & Communication Technology (ICT) plans/ activities in accordance with the policy directions of a National Single Window (NSW) as provided for under Executive Order No. 482 s' 2005, to be developed with the regulatory agencies, particularly the DA offices.

3.2 The District Collector shall be responsible in establishing a Monitoring Unit that shall monitor and prepare/consolidate reports pertaining to all agricultural and fishery products imported/released and/or seized/abandoned and shall coordinate with the DA Counterpart. The reports (using Microsoft Excel) shall be in accordance with the format attached hereto as follows:

- a) For shipments Imported/Released under Formal consumption entries (Annex 1);
- b) For Shipments Imported/Released under Informal consumption entries (Annex 2);
- c) For Shipments Imported/Released under Warehousing entries (Annex 3);
- d) For Shipments Imported/Released under Transshipment permits (Annex 4); and
- e) For seized/abandoned shipments (Annex 5).

Said Monitoring Unit shall prepare monthly reports summarizing the released/seized/abandoned agricultural and fishery products, per above formats, for submission to the Central Monitoring Unit (CMU) under the supervision of the Deputy Commissioner for Assessment and Operations Coordinating Group (AOCG).

3.3 The CMU, which shall consolidate all reports for submission to DA is composed of the following divisions:

- a) Assessment Coordination and Monitoring Division, Imports Assessment Services (IAS), for shipments Imported/Released under Formal and Informal Consumption entries;
- b) Warehousing Coordination Division for Shipments Imported/Released under Warehousing entries;
- c) Port Operations Coordination Division, Port Operations Service (POS) for Shipments Imported/Released under Transshipment entries; and
- d) Auction and Cargo Disposal Coordination Division, Port Operations Service (POS) for seized/abandoned shipments





3.4 The Deputy Collector for Operations, Chief, Formal Entry Division, Chief, Informal Entry Division, and/or Chief, Warehousing Assessment Division or equivalent unit, as the case may be, shall maintain a record of all necessary cargo inspection and clearance documents being endorsed between BOC and DA during the process of cargo inspection, clearance and release of a shipment. One BOC/ DA personnel, duly designated to inspect and/or clear a shipment shall be allowed to secure any of these documents for purposes of facilitating the release of such goods.

Due diligence must always be exercised by the duly designated BOC/DA personnel in the proper recording, monitoring and custody of inspection and clearance of documents duly processed by BOC and DA.

All transmittals of records/documents between offices or divisions and personnel shall be recorded in an accountable logbook to be issued by the Deputy Collector for Administration, in a format provided for in Annex "6", to establish responsibility on such documents and for consistency.

3.5 The District/Subport Collectors shall require their concerned personnel to participate in technical workshops, consultations and familiarization of the processes of DA in relation to agricultural and fishery products covered by SPS Import Clearance, MAV Import Certificate, other import permits and clearances issued by the DA offices.

3.6 The Piers & Inspection Division (PID) or its equivalent unit shall provide DA with photocopy of import cargo manifest/inward foreign manifest (ICM/IFM), upon its request and the cost of which shall be borne by the latter, covering cargoes of agricultural and fishery products and those cargoes with declarations as "general/mixed/assorted" or "catch all" descriptions, which may have included agricultural/fishery products, to ensure that mandatory DA quarantine and product safety/quality inspection and clearance are conducted thereon.

The responsibility of BOC to provide DA with advance and/or real time access to ICM/IFM shall be performed upon the activation of the NSW system which shall be effected by the MISTCS.

3.7 It shall be the responsibility of the duly designated representative of the Deputy Collector for Operations, Chief, FED, Chief, IED, Chief, WAD, Chief, PID, and/or its equivalent to inform and coordinate immediately with the DA On-duty Border Inspector (DABI), for the joint mandatory BOC physical examination and DA quarantine and product safety/quality inspection and clearance.

R



Whenever applicable, the DABI is allowed to be accompanied by one (1) private sector representative/observer who is duly accredited by the DA.

3.8 Maintaining the integrity, authenticity and validity of the Import Permit, MAV Certificate, Quarantine and Product Safety/Quality Inspection and Clearance (QPSQIC), SPS Import Clearance, Transport Permit (TP) and/or Quantitative Restriction (QR) is the joint responsibility of the DA offices and BOC. For this purpose the Principal Appraiser, Principal Examiner, Customs Examiner, and recording clerk/messenger involved in the examination, recording and/or transmittal of documents shall, under pain of administrative sanctions, exercise due diligence and ensure that those not covered by the SPS Import Clearance, and/or mandatory licenses and permits issued by DA, as appropriate, and those that have not undergone DA quarantine and product safety/quality inspection and clearance will not be released. If warranted, they shall recommend for the immediate issuance of Warrant of Seizure and Detention against shipments subject to seizure and forfeiture proceedings under existing laws, rules and regulations.

3.9 All covered agricultural and fishery shipments including those processed under transshipment permits, those with general or vague declarations, and those which are in refrigerated containers shall be subjected to a mandatory and joint BOC-DA quarantine and product safety/quality inspection and clearance.

Preliminary inspection of the shipments mentioned herein shall be conducted at the Designated Examination Area (DEA), prior to the 100% examination at the importers premises/cold storage. When the mandatory x-ray of containers is implemented, the preliminary inspection is dispensed with but the 100% examination at the importer's premises/cold storage shall still be conducted jointly by the DA and BOC.

3.10 In case of derogatory information, it shall be the responsibility of the Office concerned to issue/request for the issuance of Alert/Hold Order/s against the agricultural/fishery shipment and inform DA quarantine, for purposes of a joint BOC-DA Quarantine examination. The same originating office shall initiate seizure and forfeiture or abandonment proceedings, as the case may be, on shipments subject to derogatory information for the following violations:

- (a) shipment is not covered by SPS Import Clearance;
- (b) shipment is found with violations of the prescribed pre-border and border SPS standards and measures, and/or
- (c) for other violations of the ICCP, or related laws.



The appropriate DA offices shall be furnished by the District Collector with a copy of Warrant of Seizure and Detention as well as a copy of the decision/order in forfeiture or abandonment proceedings.

3.11 Forfeited and/or abandoned agricultural or fishery products shall be disposed immediately by the Auction & Cargo Disposal Division (ACDD) or its equivalent unit in accordance with pertinent Customs laws, rules and regulations in coordination with appropriate DA office and only under the following modes:

- (a) return it to the country of origin without costs to BOC and DA;
- (b) destruction; or
- (c) re-exportation, whichever is more appropriate.

The other modes of disposition, namely: Auction, redemption or settlement thereof, shall in no case be allowed.

3.12 Where a port of entry does not have regular shipments of agricultural or fishery commodities, the Collector concerned shall create an *ad hoc* Monitoring Unit to ensure compliance with the provisions of this Order.

**Section 4. Repeal:**

All orders inconsistent herewith are hereby revoked and/or modified accordingly.

**Section 5. Effectivity:**

This Order shall take effect immediately.

**NAPOLEON L. MORALES**  
Commissioner





Report for Shipments Imported/Reexported Under Final Consumption Entries (Annex 1)															Country of Origin (State P with Form D/Cert of Origin)		Dutiable Value in US		Special Safeguard Duties		CA Permit Clearance		SPS Cert.		Health Cert.	
Consignee	Supplier	Description of goods	Weight in kg		No of Containers with Cont. Number	Registry No.	Vessel	Date of Arrival	Bill No.	Bill Date	Entry No.	Broker	Dutiable Value (CIF) in \$			HTS	ADTN	Duties	Taxes	Special Safeguard Duties	CA Permit Clearance	SPS Cert.	Health Cert.			
			gross	net									Cost	Insurance	Freight											

Note: This format is applicable to Annexes 1 to 4.

5  
Date: 14/01/2017

Report for Seized/Abandoned Shipments (Annex 5)

Consignee	Supplier	Description of goods	Volume in kgs.		No. of Pkts	Container No.	Registry No.	Date of Arrival	B/L No.	B/L Date	Country of Origin (state if with Form D)	Cert of Origin	S.I. No. or Abandonment Proceeding No.	Date of WCO or Order of Abandonment	Date of forfeiture or abandonment	Location of Goods	Entry No.	Order	Dutiable Value (D.V.) in \$			Outlets Value in Peso	AMTN	Duties	Taxes	Special Safeguard Duties	DA Permit Clearance	SPC Cert.	Health Cert.
			Cost	Insurance															Freight										

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6  
 QMD 4-2007  
 1.000-7-0000

Annex 6

BUREAU OF CUSTOMS										BUREAU OF PLANT INDUSTRY/BUREAU OF ANIMAL INDUSTRY/BUREAU OF FISHERIES AND AQUATIC RESOURCES		
ENTRY NO.	IMPORTER	BROKER	DESCRIPTION OF GOODS	NO. OF CONTRS.	IMPORT PERMIT/CLEARANCE NO.	CUSTOMS OPERATIONS OFFICER III (Name and Signature)	TRANSMITTING CLERK (Name and Signature)	RECEIVING CLERK (Name and Signature)	MESSENGER	QUARANTINE OFFICER (Name and Signature)	TRANSMITTING CLERK (Name and Signature)	RECEIVING CLERK (Name and Signature)

0404.2707

*[Handwritten signature]*