

### REPUBLIC OF THE PHILIPPINES

EPARIMENT OF FINANCE U.P. LAW CENTER
BUREAU OF CUSTOMS of the NATIONAL ADMINISTRATIVE REGISTER DEPARTMENT OF FINANCE

MANILA 1099

MAY 28 2019

### CUSTOMS ADMINISTRATIVE ORDER (CAO) NO. 05-2019

SUBJECT:

RULES AND REGULATIONS GOVERNING THE REGISTRATION OF CUSTOMS BROKERS TRANSACTING WITH THE BUREAU OF **CUSTOMS AND FOR OTHER PURPOSES** 

**Introduction.** This CAO implements Section 1200, Chapter 1, Title XII, Section 1226, Chapter 3, Title XII and other relevant provisions of Republic Act (R.A.) No. 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)", R.A. No. 9280 otherwise known as the "Customs Brokers Act of 2004", DOF Department Order No. 011-2018 and other related laws.

Section 1. Scope. This CAO covers the registration of Customs Brokers and their representatives transacting with the Bureau.

### Section 2. Objectives.

- 2.1. To ensure the effective and proper enforcement of the CMTA in relation to R.A. No. 9280, as amended, and all other laws, rules and regulations relating to the Customs Administration;
- 2.2. To prevent and suppress all forms of smuggling and other frauds against customs revenue;
- To regulate the conduct of Customs Brokers transacting with the 2.3. Bureau;
- To streamline the requirements for the registration of Customs Brokers and their representatives transacting with the Bureau; and
- 2.5. To establish and implement a registration information management system making full use of Information and Communications Technology (ICT).

Section 3. <u>Definition of Terms</u>. When used in these rules and regulations, unless the context provides otherwise, the following terms or phrases shall have the meaning indicated:

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**Action** – shall refer to the written approval or disapproval made by an officer or employee on the application or request submitted by an applicant or requesting party for processing.<sup>1</sup>

<sup>1</sup> cf. Republic Act No. 11032 "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", Section 4 (a).

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- **3.2.** AIPO shall refer to the Accredited Integrated Professional Organization. For purposes of these rules and regulations, it refers to the Chamber of Customs Brokers, Inc. (CCBI) or any professional organization of Customs Brokers which is or may hereafter be accredited by the PRC.
- 3.3. **AMO** — shall refer to the Account Management Office of the Bureau of Customs or its equivalent office.
- 3.4. **Bureau** — shall refer to the Bureau of Customs.
- 3.5. **Commissioner** — shall refer to the Commissioner of Customs.
- Customs Broker shall refer to any person who is a bona fide 3.6. holder of a valid Certificate of Registration/Professional Identification Card issued by the Professional Regulatory Board for Customs Broker and Professional Regulation Commission pursuant to R.A. No. 9280, otherwise known as the "Customs Brokers Act of 2004",2 as amended by R.A. No. 9853.3
- 3.7. Customs Broker Practice — shall refer to the professional services rendered by a Customs Broker in the Bureau such as but not limited to preparation of customs requisite document for imports and exports, and declaration of customs duties and taxes; signing, filing, lodging and processing of import and export entries; and representing importers and exporters before the Bureau in cases related to valuation and classification of imported articles.4
- **DOF** shall refer to the Department of Finance. 3.8.
- 3.9. PRBCB — shall refer to the Professional Regulatory Board for Customs Brokers created pursuant to Section 5 of R.A. No. 9280, as amended.
- 3.10. Professional Identification Card (PIC) shall refer to the card bearing the registration number, dates of issuance and expiry, and duly signed by the PRC Chairperson that is issued to a registered professional upon payment of fees and upon submission and completion of other requirements as may be required under pertinent rules and regulations, the validity of which is prescribed by law.5
- **3.11. PRC** shall refer to the Professional Regulation Commission, which is the government agency responsible for the administration,

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<sup>&</sup>lt;sup>2</sup> cf. CMTA, Title I, Chapter 2, Section 102 (n).

<sup>&</sup>lt;sup>3</sup> An Act Amending Republic Act No. 9280, otherwise known as the "Customs Brokers Act of 2004", and for other purposes.

<sup>4</sup> cf. Republic Act No. 9280 "Customs Brokers Act of 2004", Article II, Section 6.

<sup>5</sup> cf. Republic Act No. 9280 "Customs Brokers Act of 2004", as amended, Article III, Section 19. Certified True Copy

implementation and enforcement of regulatory policies on the regulation and licensing of various professions and occupations under its jurisdiction.  $^6$ 

**3.12. Registration** — shall refer to the process of recording and/or registering Customs Brokers desiring to lodge, sign and process goods declaration, and represent importers or exporters before the Bureau of Customs in the Bureau's automated system.

### Section 4. General Provisions.

**4.1.** Registration of Customs Brokers Required to Act as Declarant. Customs Brokers desiring to lodge and process goods declaration at the Bureau shall register and obtain a Certificate of Registration from the Bureau.

A Customs Broker acting as a declarant shall be presumed to be the agent of the consignee or importer and as such may be made accountable and liable for any violation of the CMTA and other related laws.

- **4.2.** A Customs Broker who is also an employee of a Customs Broker and acting solely for his employer need not apply for a separate registration as long as his name appears on the Notarized List of Customs Broker's Representative submitted by the registered Customs Broker.
- **4.3.** The Customs Broker's representative authorized to act for and inbehalf of a Customs Broker in the processing of entries, permits and other customs documents related to the Customs Broker's practice of his/her profession must possess the following minimum qualifications:
  - a. Must be a Filipino citizen of legal age;
  - **b.** Of good moral character, which certificate may be secured from previous employer, if applicable, or from the educational institution if newly graduated;
  - **c.** Has completed a training program or seminar for the current year conducted by the AIPO with a Certificate of Attendance;
  - d. Must hold a valid NBI Clearance; and
  - e. Other qualifications that the Bureau may require.

<sup>6</sup> cf. Republic Act No. 9280 "Customs Brokers Act of 2004", as amended.

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The Commissioner may limit the number of Customs Brokers representatives to commensurate only to the number of transactions of every Customs Broker in each port. The access pass issued to the Customs Broker's representative must be surrendered by the Customs Broker-employer to the Bureau in the event that the registration of the latter in the Bureau is revoked, cancelled or expired.

The Customs Brokers shall exercise strict supervision and control over their representatives when following up transactions related to their customs practice. They shall be held jointly and solidarily liable for any and all acts or omissions of their representatives which, in the exercise of due and reasonable care and diligence, they could have foreseen or prevented. The Commissioner shall issue a Customs Memorandum Order (CMO) prescribing the procedure for the disciplinary action against Customs Broker's representative.

### Section 5. Administrative Provisions.

### 5.1. Registration Office:

**5.1.1.** The Account Management Office (AMO) or its equivalent office shall be responsible for processing the applications for the registration and the issuance of Certificate of Registration of Customs Brokers desiring to conduct their business with the Bureau.

### **5.1.2.** The AMO shall perform the following:

**a.** Receive and process applications for the registration of Customs Brokers with complete supporting documents.

The receiving officer or employee shall perform a preliminary assessment of the application submitted with its supporting documents to ensure a more expeditious action on the application. The receiving officer or employee shall immediately inform the applicant of any deficiency in the accompanying requirements, which shall be limited to those enumerated in this Order.<sup>7</sup>

The receiving officer or employee shall assign a unique identification number to an application which shall be the identifying number for all subsequent transactions between the Bureau and the applicant regarding such specific application.<sup>8</sup>

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<sup>&</sup>lt;sup>7</sup> cf. Republic Act No. 11032 "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", Section 9 (2).

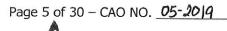
The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the Bureau, the name of the responsible officer or employee. his/her unit and designation, and the date and time of receipt of such application;9

- **b.** Keep and maintain file of all Customs Brokers applying for registration, with the complete record of the applications and final disposition and all other relevant matters such as records of investigations involving violations of law and/or Customs rules and regulations;
- c. Transmit to the Bureau of Internal Revenue (BIR) on a quarterly basis the list of approved or registered Customs Brokers for post-registration validation of the tax compliance; and
- **d.** Such other tasks as may be directed by the Commissioner from time to time.

#### 5.2. **Procedure of New Application for Registration:**

- **5.2.1.** A duly accomplished application for registration (Annex "A") under oath and a copy thereof shall be filed with the AMO upon payment of the non-refundable amount of registration fee of One Thousand Pesos (Php1,000.00), the Bureau of Customs Official Receipts (BCOR) of which shall be attached to the application. The application shall be accompanied with verified photocopies of the following supporting documents:
  - a. Valid Professional Identification Card (PIC);
  - **b.** Printed Client Profile Registration System (CPRS) Profile;
  - c. BIR Certificate of Registration (BIR Form No. 2303);
  - **d.** Latest Income Tax Return (ITR) duly received by the BIR, if applicable;
  - e. Good standing certificates issued by the AIPO National President and by the PRBCB;
  - f. Duly accomplished form [Certified List of Regular Clients i.e. importers, exporters (Annex "B"), or Affidavit of No Client for New Customs Brokers (Annex "B-1")]; and

<sup>&</sup>lt;sup>9</sup> cf. Republic Act No. 11032 "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", Section 9 (4).



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- **g.** A notarized List of Customs Broker's Representative(s) certified by the Customs Broker, with their specimen signatures to be accomplished in the prescribed form (Annex "C") and corresponding valid NBI Clearance of the representatives on the list or Affidavit of No Customs Broker Representative (Annex "C-1"), whichever is applicable.
- **5.2.2. Grounds for Denial of the Application.** The following are grounds for denial of application:
  - a. Absence or misrepresentation of material information;
  - **b.** Submission of falsified or spurious documents; or
  - **c.** Conviction of an offense pursuant to Section 1401 of the CMTA.
- **5.2.3.** The Commissioner shall approve or disapprove the application upon recommendation of AMO or equivalent office, or Customs Intelligence and Investigation Service (CIIS). The application for registration shall be approved or disapproved within five (5) working days from the date of receipt of the complete documents.

In case of disapproval of the application, a notice of disapproval clearly stating the grounds therefor, shall be signed and served to the applicant, copy furnished the AIPO. The applicant Customs Broker at any time may refile his/her application.

In cases where the application is disapproved on the ground other than lack of documentary requirements, the applicant customs broker may file a Motion for Reconsideration (MR) or Appeal on the denial of the application.

The Commissioner may delegate the authority to approve or disapprove any application to any senior official of the Bureau.

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**Account Management Office (AMO) Satellite Office.** The Commissioner may create a satellite office of AMO at any strategic areas or ports outside Metro Manila. Prior to the creation of AMO satellite office, for applicants residing outside of Metro Manila, the application together with the supporting documents may be filed with the District Collector through the CIIS of the Customs District where

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the Customs Broker regularly transacts business. The District Collector shall have the ministerial duty to transmit the application within one (1) working day from receipt of the complete documentary requirements. Failure of the District Collector to do so may be a ground for a disciplinary action. The Commissioner is hereby authorized to create a satellite office subject to existing laws, rules and regulations.

- 5.4. Issuance, Form, Effect and Validity of Certificate of Registration for Individual Customs Broker and General Professional Partnership (GPP).
  - **5.4.1.** If the AMO finds the application in order and complete with all the required documents, it shall prepare a Certificate of Registration under its official seal for signature of the Commissioner upon payment of the required documentary stamp tax, the official receipt number of which shall be properly indicated.
  - **5.4.2.** Upon approval of the application, a Certificate of Registration shall be issued to the applicant Customs Broker under the Bureau's official seal. The Certificate of Registration (Annex "D") shall have a serial number (aside from the printed serial number of the form) which shall be sequentially given and followed by the year of its validity (Example: CCN 0000-2019). Said serial number shall be the permanent identification number of the registered Customs Broker concerned and only the year of its validity shall be changed if and when a renewed Certificate of Registration will be issued during the succeeding years.
  - 5.4.3. The Certificate of Registration shall be valid for three (3) years from the year of issuance unless suspended or revoked for cause. Provided, that every year in between the three-year period, the Customs Broker must submit the annual reportorial requirements to update his/her profile and submit Affidavit of Change of Circumstances (Annex "E") if there are any material change/s on his original application form, or Affidavit of No Change (Annex "E-1") if there are no changes, as may be provided under the corresponding CMO.

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5.5. Renewal of Registration.

5.5.1. Period of Renewal and Requirements.

**a.** Within one (1) month prior to the expiration of his/her Certificate of Registration, any Customs Broker who

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desires to continue transacting with the Bureau may file with the AMO an application for renewal of registration. Provided, that no application for renewal shall be accepted or entertained if filed within (5) working days prior to the date of expiration. Any application filed after the registration has expired shall be considered as a new application subject to the provisions of Section 5.2.

A duly accomplished application for renewal of registration (Annex "A") under oath and a copy thereof shall be filed with the AMO, together with an Affidavit of Change of Circumstances (Annex "E"), if there are any material change/s on his original application form, or Affidavit of No Change (Annex "E-1"), if there are no changes.

- **b.** Renewal of application shall be accompanied with the BCOR evidencing payment of the non-refundable amount of renewal fee of One Thousand Five Hundred Pesos (Php1,500.00) and verified photocopies of the following supporting documents, presenting the original for comparison:
  - i. Valid Professional Identification Card (PIC);
  - ii. Income Tax Return (ITR) for the past three (3) years;
  - iii. Good standing certificates issued by the AIPO National President and by the PRBCB;
  - **iv.** A notarized List of Customs Broker's Representative(s), certified by the Customs Broker, with their specimen signatures to be accomplished in the prescribed form (see Annex "C") and supported by the SSS Certificate of Membership and the latest copy of their SSS Form R-1A showing date of filing with SSS and corresponding valid NBI Clearance of the representatives on the list or Affidavit of No Customs Broker Representative (see Annex "C-1"), whichever is applicable; and
  - v. Updated certified list of regular clients (see Annex "B") or Affidavit of No Client (see Annex "B-1"), whichever is applicable.

**5.5.2.** No application for renewal of registration shall be accepted if the Certificate of Registration has been revoked for cause during the time it was subsisting, unless subsequently lifted by the Commissioner.

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The absence or misrepresentation of material information and misuse of registration privilege shall be a ground for disapproval of the application for renewal and/or blacklisting of the Customs Broker.

**5.5.3. Motion for Reconsideration.** An applicant whose application has been disapproved on the ground other than lack of documentary requirements, may file a Motion for Reconsideration within ten (10) calendar days from receipt of the notice of disapproval for consideration of the Commissioner upon recommendation of AMO, which Motion shall be resolved within ten (10) working days.

The Bureau shall entertain only one (1) Motion for Reconsideration, and the action of the Commissioner on the Motion for Reconsideration shall be final.

Detailed requirements for Motion(s) for Reconsideration shall be provided in the corresponding CMO.

**5.5.4. Appeal.** In case where the authority to approve or disapprove the application has been delegated to a Bureau official, the Customs Broker whose registration application has been disapproved may appeal the same before the Commissioner within fifteen (15) calendar days from receipt of the notice of disapproval.

The Commissioner shall act on the said Appeal within fifteen (15) working days from receipt thereof. The action of the Commissioner on cases appealed before him shall be final.

Detailed requirements for the Appeal shall be provided in the corresponding CMO.

### 5.6. Effects of Failure to Timely Renew Registration.

**5.6.1.** The registration as Customs Broker shall continue to be valid within the period of renewal. Failure on the part of Customs Broker to renew his/her registration shall consider his/her registration expired or delisted, and therefore he/she shall not be allowed to lodge or file any goods declaration with the Bureau.

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with 5.5.1.a, but not acted upon by the AMO within five (5) working days, shall be deemed approved and their registration shall be considered valid and active as if

Application for renewal which are timely filed in accordance

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renewed. Provided, that all required documents have been submitted and the required fees have been paid.<sup>10</sup>

- **5.6.2.** In case of late issuance of the hard copy of the Certificate, the date in the hard copy of the Certificate of Registration issued by the AMO shall retroact to the date of the effectivity of the Registration in the system which shall be three (3) years from the date of expiration.
- **5.6.3.** The AMO shall issue and publish a roster containing a list of Customs Brokers whose registration has been approved in the official website of the Bureau.
- 5.7. Duties and Responsibilities of Customs Brokers. The practice of Customs Broker profession is imbued with the public service, as it involves collection of taxes which is the lifeblood of the government; and facilitation of international trade, which affects the economic development of the country. It is, therefore imperative that a Customs Broker be guided by the set of standards for the effective efficient and consistent discharge of his duties and responsibilities.<sup>11</sup>

Violations under this CAO shall be classified as follows:

**Light Offense**. For violation of Sections 5.7.1 and 5.7.2.

**Grave Offense**. For violation of Sections 5.7.3 to 5.7.7 and Sections 5.8 to 5.14.

A registered Customs Broker who violates any of these provisions shall be meted out with the penalties provided under Section 8 of this CAO.

**5.7.1.** Mandatory Maintenance and Updating of Electronic Mail Addresses and Contact Numbers. It shall be mandatory for registered Customs Brokers to provide the AMO or equivalent office their existing, accurate and official e-mail address(es) and contact numbers, and any changes, modification or update thereto, where the Bureau shall send notices and communications such as urgent notice(s) to file entry and such other notices.

Notices and communications sent to the registered Customs Broker's official e-mail address(es) shall be deemed received, unless the non-receipt is through no fault of the Customs Broker.

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<sup>&</sup>lt;sup>10</sup> cf. Republic Act No. 11032 "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", Section 10.
<sup>11</sup> cf. Code of Ethics and Code of Technical Standards for Customs Brokers.

- **5.7.2.** Display of Certificate. A Customs Broker must have an office for business where he/she shall display his/her Certificate of Registration as Customs Broker or a copy thereof conspicuously displayed or posted in his/her office so that it may be seen by anyone transacting business in his/her office.
- 5.7.3. Lodgment of Goods Declaration. Consistent with international standards and customs best practices, goods declaration lodged within the period as provided for under Section 407 of the CMTA shall be signed only by both Customs Broker and Importer or Exporter under oath based on the covering documents submitted by the Importer or Exporter.

The Customs Broker shall likewise be responsible for the accuracy of the goods declaration but shall not be responsible for the payment of duties, taxes and other charges due on the imported goods. 12

- 5.7.4. Record-keeping. Each Customs Broker shall keep and maintain, in correct, orderly, and itemized manner, complete records and file copies of all his correspondences and other records relative to the conduct of his profession as provided for in existing rules and regulations.
- 5.7.5. Misrepresentation by omission or commission. A Customs Broker shall not withhold information relative to any customs practice from a client who is entitled to the information. He shall exercise due diligence to ascertain the correctness of any information and shall not knowingly impart to a client any false information relative to his practice.
- **5.7.6. Error or omission by clients.** A Customs Broker who knows that a client has not complied with the law or regulation or has made an error, or omission on any document, affidavit, or other paper which the law or regulations requires such client to execute, shall advise his client promptly of such fact.

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5.7.7. Illegal schemes. A Customs Broker shall not suggest to a client or a prospective client any scheme or plan known to be illegal or irregular designed to evade payment of any duty, tax or charge or other debt or obligation owing to the

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<sup>&</sup>lt;sup>12</sup> CMTA, Title I, Chapter 2, Section 107.

Government, or any scheme aimed at putting the Bureau or any authorized representative thereof in disrepute.

#### 5.8. Retention of Records.

- 5.8.1. All Customs Broker shall keep at their stated office address, for audit compliance purposes, copies of records covering their professional practice including records pertaining to any declaration, which shall include declarations, documents, and electronically generated machine readable data, for a period of three (3) years from the date of transaction
- **5.8.2.** The records referred to above shall be considered confidential by the Customs Broker and shall not be disclosed to any person, other than his clients, except on subpoena duces tecum issued by a duly authorized customs official or a court of competent jurisdiction. Provided, notwithstanding, no authorized customs officer shall be denied by the Customs Broker full and free access to such records pursuant to Section 1002 of the CMTA, in relation to Sections 1427 and 1605 thereof.
- **5.8.3.** During the period of retention, Customs Brokers shall maintain their records in such manner that they may be readily examined and made available upon demand for inspection, copying, reproduction, or other official use by the Commissioner or his authorized representative.
- Interference with Examination of Records. A Customs Broker 5.9. shall not refuse access to, conceal, remove, or destroy the whole or any part of his records related to the practice of his/her profession as a Customs Broker which is being sought, or which the Customs Broker has reasonable grounds to believe may be sought, by the Commissioner or his duly authorized representative; nor shall a Customs Broker otherwise interfere, or attempt to interfere, with any proper and lawful order to procure or reproduce relevant information contained in such records required to be retained.

5.10. Diligence in correspondence and paying monies. Customs brokers shall exercise due diligence in handling financial settlements, answering correspondence, and preparing and filing of documents relating to the practice of his/her profession and other customs matters handled by him/her.

5.11. False information. No Customs Broker or his/her representative shall file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper known by him to be false and

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fraudulent; nor shall he/she knowingly give or solicit or procure the giving of any false or misleading information or testimony in any matter pending before the Bureau or official representative thereof.

- 5.12. Undue influence upon government officials and employees. A Customs Broker or his/her representative shall not influence or attempt to influence the conduct of any BOC official or employee of the Bureau in any matter pending before it or any official representative thereof, by the use of a threat, false accusation, or the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other things of value.
- 5.13. Misuse of Registration Privilege. A Customs Broker shall not permit his/her registration or his/her name to be used, directly or indirectly, by or for any non-registered Customs Broker or other persons, other than his/her own representative(s). Furthermore, a Customs Broker having been registered in the Bureau of Customs, shall not offer his/her certificate of registration or signature to be used by any individual or company that engages in customs clearance process, for a fee, without however any actual participation in the computation and declaration of duties and taxes, and other related services on behalf of the importer or exporter. Such misuse of registration privilege may be a ground for suspension, cancellation or revocation of the Customs Broker's registration or a ground for disapproval of application, in case of renewal, and/or blacklisting of the Customs Broker concerned.
- **5.14.** Relations with a Customs Broker whose Registration has been Cancelled or Suspended. A Customs Broker shall not directly or indirectly:
  - **5.14.1.** Accept employment or use his/her service to effect a customs transaction as an agent or surrogate of a Customs Broker whose registration has been suspended or cancelled, and could no longer practice his/her profession.
  - **5.14.2.** Assist in the furtherance of any customs transaction of such persons; and
  - **5.14.3.** Permit any such person directly or indirectly to participate in any manner in the promotion, control or direction of his/her customs practice. Nothing herein shall be deemed to prohibit any Customs Broker from acting as a broker for any *bona fide* importer or exporter, notwithstanding if such importer or exporter is also a Customs Broker whose registration has been suspended or cancelled.

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- 5.15. Limitation of Liability. A Customs Broker shall not evade his liability with respect to a just claim by the client arising out of the wrongful act or negligence of the Customs Broker or his/her representatives in connection with a matter handled by him nor shall he/she enter into a contract which purports to evade his/her liability.
- 5.16. Change of Circumstances. A Customs Broker shall immediately notify his/her client of any change of circumstances and give written notice of the update to the Bureau (Attn: AMO), copy furnished the Collector of the Port(s) where he is regularly practicing his/her profession, within five (5) working days after the said changes. AMO must acknowledge receipt.
- **5.17. Coordinate with the PRBCB.** The Commissioner of Customs may coordinate with the PRBCB on the investigation, prosecution, revocation of the license of the violating Customs Broker.

### Section 6. Cancellation, Delisting, Revocation of Registration.

- **6.1. Grounds for Revocation of Registration.** The grounds for revocation of registration as Customs Brokers in the Bureau shall include the following:
  - **a.** Deliberate failure or refusal without justifiable reasons to comply with the duties and responsibilities of Customs Broker prescribed in this CAO.
    - "Justifiable reason" as contemplated herein shall mean any and all acts the commission of which shall render him/her liable either administrative or criminally under existing laws, rules or regulations.
  - b. Violation of existing customs laws, rules and regulations. Provided, that no registered Customs Broker shall be delisted or suspended without notice and hearing and final decision before the appropriate office in the Bureau. The AMO or its equivalent office shall furnish the AIPO with the list of Customs Brokers with pending or resolved cases of revocation of registration in the Bureau.

# Section 7. <u>Special Provisions relative to General Professional Partnerships</u> (GPP) of Customs Brokers.

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**Recognition in the Bureau of Customs.** Customs Brokers who have pooled their professional expertise, talents and resources to form a general professional partnership (GPP) pursuant to applicable

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laws may, at any time, file an application for registration with the Bureau which shall be separate and distinct from the personality of each of the partners, who must be a Customs Brokers as defined in this CAO.

- **7.2.** A GPP firm shall have a Managing Partner who shall be the Chief Operating Officer (COO) whose main task is to manage the GPP's practice of the Customs Brokers profession and shall be the one shown on its Articles of General Partnerships or the one chosen by the partners pursuant to a resolution of the partners.
- **7.3.** Requirements for New Application. In addition to Section 5.2.1 (a), (b), (e), and (f) of this CAO as required for every partner Customs Broker, a duly accomplished application for registration (Annex A-1) in three (3) copies shall be submitted to the AMO after payment of the non-refundable amount of registration fee of Three Thousand Pesos (Php3,000.00).

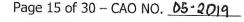
Application for registration must be under oath and shall be filed together with verified photocopies of the following supporting documents:

- **7.3.1.** Articles and By-Laws of General Partnerships with the corresponding Certificate of Registration issued by the SEC attached thereto;
- 7.3.2. Taxpayer Identification Number (TIN) of the GPP;
- **7.3.3.** BIR Certificate of Registration of the GPP;
- 7.3.4. Latest Mayor's Permit or Business License; and
- **7.3.5.** Notarized list of the firm's *bona fide* representatives and undertakings signed by the Managing Partner together with their corresponding NBI clearances (issued not more than three (3) months prior to the date of application).
- 7.4. Renewal of Certificate of Registration. In addition to Section 5.5.1 (a) and (b) (i), (iii) and (v) of this CAO and payment of the non-refundable amount of registration fee of Five Thousand Pesos (Php5,000.00), the following documents shall be required for renewal of a Certificate of Registration:

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- a. Mayor's Permit or Business License;
- **b.** Latest Income Tax Return (ITR) as GPP for the past three (3) years;



- **c.** Updated notarized list of *bona fide* representatives and undertaking (form to be prescribed); and
- d. List of its branch offices, if any.
- 7.5. Resignation, Retirement, Separation or Death of a Partner. The resignation, retirement, separation or death of one of the partners of the GPP shall not result in the cancellation of the Certificate of Registration granted by the BOC but only the cancellation of the Certificate of Registration of the partner concerned. In any such event, the Managing Partner, or any surviving partner of the GPP firm, shall notify the AMO within ten (10) working days after the effectivity of the resignation, retirement or separation date of the partner's demise.

Any Customs Broker subsequently admitted as a regular partner into an existing recognized GPP shall be acknowledged as such upon proper notification to the AMO, which notice shall be accompanied with a certified true copy of its amended Article of General Partnership duly filed with the Security and Exchange Commission (SEC).

- 7.6. Obligations of Partners and Dissolution of the GPP. The obligations of GPP partners among themselves and with regard to third parties, as well as, the dissolution of the partnership shall be governed by the provisions of Chapters 2 and 3, Title IX of Book IV of the Civil Code of the Philippines. In case of dissolution, the Managing Partner shall officially notify the AMO in writing of the date of the winding up of its customs business which will be completed for purposes of record. For the information of their clients and the transacting public, the Commissioner shall issue a circular stating that the existence of the GPP has been terminated.
- **7.7.** Application of Penalties for GPP. In the case of GPP, penalties under Section 8 of this CAO shall be imposed against the erring partner of the GPP being registered with the Bureau.

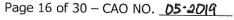
**Section 8.** <u>Penalty Clause</u>. Any person who violates this CAO, after due notice and hearing, shall be penalized with a fine of:<sup>13</sup>

**8.1.** 1<sup>st</sup> Offense – Severe warning for light offense;

Certified True Copy

Ryaquel G. Da Jes SVCOO CRMD-BOC If grave offense - Suspension of six (6) months or Fine of One Hundred Thousand Pesos (Php100,000.00).

<sup>&</sup>lt;sup>13</sup> CMTA, Title XIV, Chapter 1, Section 1430.





- **8.2.** 2<sup>nd</sup> Offense Suspension of one (1) year for light offense; or Fine of Two Hundred Thousand Pesos (Php200,000.00) for grave offense; and
- **8.3.** 3<sup>rd</sup> Offense Three Hundred Thousand Pesos (Php300,000.00) for light offense; or revocation of registration for grave offense.

Imposition of these penalties are without prejudice to the penalties provided under Section 1401 of the CMTA, R.A. No. 11032 and other applicable laws.

**Section 9.** Periodic Review. Unless otherwise provided, this CAO shall be reviewed every three (3) years and be amended or revised, if necessary.

**Section 10.** <u>Separability Clause</u>. If any part of this CAO is declared by Courts as unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force and effect.

**Section 11.** Repealing Clause. CMO No. 05-2018, CMO No. 02-2018, CMO No. 11-2014, and all other rules and regulations or parts thereof inconsistent with the provisions of this CAO are hereby expressly repealed, amended and/or modified accordingly.

**Section 12.** <u>Effectivity</u>. This CAO shall take effect thirty (30) days after its complete publication in the Official Gazette or a newspaper of general circulation.

The Office of the National Administrative Register (ONAR) of the UP Law Center shall be provided three (3) certified copies of this CAO.

REY LEONARDO B. GUERRERO

Commissioner, BOC

APR 26 2019

BOC-02-00265

APPROVED:

CARLOS G DOMING Secretary of Finance

MAY 0 7 2019

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Page 17 of 30 - CAO NO. **05-2019** 

quel G. D. Jeses svcoo crmD - Boc <u>Informational Section</u>. As the title denotes this only provide information and does not give rise to any substantive or formal rights or obligations.

1. <u>History</u>. This CAO is amendatory to all the previous issuances of the Bureau of Customs relating to the Registration of Customs Brokers.

### 2. Related Policies.

- Republic Act No. 10836 An Act Modernizing the Customs and Tariff Administration.
- Republic Act No. 9280 Customs Brokers Act of 2004.
- Republic Act No. 9853 An Act Amending Republic Act No. 9280, otherwise known as the "Customs Brokers Act of 2004", and for other purposes.
- Department Order 11-2018 Accreditation of Importers and Customs Broker.
- CAO 03-2006 Rules and Regulations Governing the Accreditation of Customs Brokers Transacting with the Bureau of Customs and for Other Purposes.
- CAO 03-A-2006 Amending Pertinent Provisions of CAO 03-2016 on the Rules and Regulations Governing the Accreditation of Customs Brokers Transacting with the Bureau of Customs and for Other Purposes.
- CMO 05-2018 Supplemental to CMO No. 11-2014, Revised Guidelines for Registration of Importers and Customs Brokers with the Bureau of Customs (BOC).
- CMO 02-2018 Amendment to CMO No. 4-2014 Entitled "Policies, Guidelines an Procedures for the Accreditation of Importers, and Customs Brokers with the Bureau of Customs (BOC) pursuant to DOF Department Order No. 12-2014.
- CMO 11-2014 Revised Guidelines for Registration of Importers and Customs Brokers with The Bureau of Customs (BOC) Pursuant to DOF Department Order No. 33-2014.
- CMO 04-2014 Policies, guidelines and procedures for the Accreditation of Importers and Customs Brokers with the Bureau of Customs (BOC) pursuant to DOF Department Order No. 12 – 2014.
- CMO 06-2006 Rules and Regulations Governing the Accreditation of Customs Brokers Transacting with the Bureau of Customs and other purposes.

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Raquel G. Da Jesus SVCOO

CRMD - BOC



## Republic of the Philippines Department of Finance

### **BUREAU OF CUSTOMS**

Affix latest 2x2 photo of applicant

1099 Manila

### INTELLIGENCE GROUP (IG) ACCOUNT MANAGEMENT OFFICE (AMO)

□NEW □RE	ENEWAL			RATION AS CU	ISTOMS B	ROKER
	thed and signed by the individ		oker applicant. Indicat	'e N/A if not applicable.		
Surname:		Fist Name:	L	Middle Name:		Name Extension (Jr.,Sr):
Date of Birth (m)	m/dd/yyyy):	Place of Birth	1:	Age:		Nickname:
Sex:	Civil Status:	Contact Num	ber:	Tax Identificati	ion Number (	TIN):
Residence Addre	:55:			Customs Broke	r Certificate	No.:
				Professional Ide		ard (PIC) No.:
2. BUSINES	SS INFORMAT	ION			(d) () () ()	
Office Business A	Address:		L	Telephone No.:	;	
				Fax No.:		
2.				E-mail Address:		
Business Name (i	if any):	WETGE ALL THE STATE OF THE STAT		Contact Person	:	
Financial Status a	is of:	Total Res	ources Php:	Net Worth Php:		Php:
	OF PRACTICE  for the past live (5) years				<u> </u>	
Incl	lusive Dates		Name of Con	прапу		Port (s) Concerned
					ļ	
4. BASIS FOI CERTIFICA	R ISSUANCE OF ATION					
( ) Passed Exa	am () Pursuant to	RA 1937				
( ) Copy of valid ( ) BIR Form No. ( ) Latest Income ( ) Good standing ( ) Certified List ( ) Notarized List		AIPO National P of No Client s representatives w	with their Person	nal Profiles/Affiday	it of no custo	oms representatives

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1 of 2

SVCOO CRMD - BOC

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OTHER QUESTIONS		
4. Do you have any pending: (a) Criminal case? (b) Administrative case?	() YES () NO () YES () NO If "YES", state details of the offense.	
Have you ever been convicted of any crime or violation of law or regulation by any court or tribunal?	() YES () NO If "YES", state details of the offense/ violation, name and branch of the count/ tribunal, date of promulgation of decisions, etc.	
6. Have you ever been administratively sanctioned or meted any penalty by the Bureau of Customs or Professional Regulation Commission for any violation of law or regulation resulting in the suspension or revocation of you Customs Brokers License Certificate of Accreditation issued by a Collector of Customs/ the Commissioner of Customs or your Customs Broker Certificate/ Professional Identification card issued by the Professional Regulation Commission?	( ) YES ( ) NO If "YES", state complete details	
7. Have you ever been barred from transacting customs business and/or entering the customs premises or zones?	() YES () NO If "YES", give details,	
8. If the barring order was not perpetual, has the order been already lifted?	( ) YES ( ) NO If "YES", give details of the order and date of lifting.	
Have you retired, forced to resign or dropped from employment in the public or private sector?	( ) YES ( ) NO If "YES", state the circumstances details.	
10. Are you related by consanguinity or affinity to any present official or employee of Bureau of Customs <sup>2</sup>	() YES () NO If "YES", state their name(s), degree of relationship, and present position and assignment.	
Character Reference, (Not related to you by consanguinity or affinity)		
Name Degree	Residence/ Address Telephone No.	
	response vo	
hereby certify under oath that all the above information are true and indersigned and are correct, complete and true; and that any misreprese ground for the disapproval of this application, suspension/cancellation indersigned as the applicant.		
pecimen Signatures:	Signature over Printed Name of Applicant Date:	
	year	
oc No age No		

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G. De Jesus SVCOO CRAND - BOC

2 of 2

Affix latest 2x2 photo of applicant/s



#### Republic of the Philippines Department of Finance

### **BUREAU OF CUSTOMS**

1099 Manila

## INTELLIGENCE GROUP (IG) ACCOUNT MANAGEMENT OFFICE (AMO)

APPLICA	TION FORM	1 FOR RE	GISTRATION A	S GENI	RAL PROFE	SSIONAL	PARTNERSHIPS (GPP)
□NEW □			OF CUST	OMS B	ROKERS		
Note: To be acco	emplished and signs	ed by the Chie	ef Operating Officer (COO	) and see	stad by the eastern		plicant. Indicate N/A if not applicable.
		-,	y.	y, and assi	sted by the partners	s or the GPP app	plicant. Indicate N/A if not applicable.
	F PARTNE	RS					
1. Surname:			Fist Name:		Middle Name:		Name Extension (Jr., Sr):
Date of Birth (	mm/dd/yyyy):		Place of Birth:	***************************************	Age:	and delivery and a second	Nickname:
Sex:	Civil State	us:	Contact Number:		Tax Identificat	ion Number	TIN):
Office Busines	s Address:				Customs Broke	or Cartificates	No.
					Customs Broke	ei Ceitiikate	140
2. Surname:					Validity (mm/c	łd/yyyy):	Card (PIC) No.:
			Fist Name:		Middle Name:	Y)	Name Extension (Jr.,Sr):
Date of Birth (1	nm/dd/yyyy):		Place of Birth:		Age:		Nickname:
Sex:	Civil State	is: (	Contact Number: T		Tax Identification Number (TIN);		TIN):
Office Business	: Address:	=1					Tan Managara and a series of the series of t
					Customs Broke	er Certificate	No.:
					Professional Id	entification C	ard (PIC) No.:
3. Surname:		Fist Nan	ne:	Mid	Validity (mm/dd/yyyy): Middle Name:		Name Extension (Jr.,Sr):
Date of Birth (n	m/dd/yyyy):	Place of	Birth:	Age	;		Nickname:
Sex:	Civil Statu	s: C	ontact Number:		Tax Identification	on Number (	ΓIN):
Office Business	Address:				Customs Broke	r Certificate 1	No.:
- 3							
				Professional Identification Card (PIC) No.:			
2. BUSTNE	SS INFOR	MATTON	· · · · · · · · · · · · · · · · · · ·		Validity (mm/do	d/yyyy):	
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					Fax No.:		
				l	E-mail Address:		
Business Name	(if any):				Contact Person:		
mancial Status	as of:		Total Resources Ph	ip:	Net Worth Php:		Php:

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1 of 3

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3. PROFILE OF PRACTICE (as Customs Broker for the past five (5.	) years)
Inclusive Dates Name of C	
3.1.First Partner	TWO WILLIAM
3.2.Second Partner	
3.3.Third Partner	
A DACTO COD TOOLLAND	
4. BASIS FOR ISSUANCE OF CERTIFICATION	
( ) Passed Exam ( ) Pursuant to RA 1937	
() BCOR evidencing payment of application fee	
( ) Individual Copy of valid PIC	
( ) Individual Good standing certificates issued by AIPO National Pre	ecident and PRRCR
( ) Printed CPRS Application Profile and updated email notification (	of "STORED" CPRS profile
( ) Certified List of Chents/Affidavit of No Client	
() Latest Income Tax Return (ITR) as GPP for the past three (3), if for	or renewal
( ) Articles of General Partnerships with the corresponding Certificate	e of Registration issued by the SEC attached thereto:
( ) Laxpayer identification Number (11N) of the GPP:	
( ) BIR Certificate of Registration (BIR Form 2303) of the GPP, if ap	plicable;
( ) Certificate under oath of employment and responsibility for person	);
( ) Current Mayor's Permit and Business License;	
<ol> <li>Certified list of the firm's bona fide representatives and undertaking corresponding NBI clearance (not more than three (3) months old</li> </ol>	igs signed by the Managing Partner together with their
( ) List of its branch offices, if any.	): and
5. OTHER QUESTIONS	
4. Do any partners have pending:	
(a) Criminal case related to the practice of Customs Broker	() YES() NO
profession?	1) YES () NO
(b) Administrative case related to the practice of Customs Broker	If "YES", state the name of the partner and the details of the
profession?	offense.
5. Have any partners ever been convicted of crime or violation of	() YES () NO
law or regulation by any court or tribunal?	If "YES", state details of the offense/ violation, name and
	branch of the court/ tribunal, date of promulgation of decisions.
	etc.
6. Have any partners ever been administratively sanctioned or meted	American and a second displacement of the second of the se
any penalty by the Bureau of Customs or Professional Regulation	() YES () NO
ommission for any violation of law or regulation resulting in the	If "YES", state complete details.
suspension or revocation of their Customs Brokers Licensed	
criticate of Accreditation issued by a Collector of Customs the	
Commissioner of Customs or their Customs Broker Certificate/ Professional Identification card issued by the Professional Regulation	-
ommission?	
7. Have any partners ever been barred from transacting customs	( ) YES ( ) NO
ousiness and/or entering the customs premises or zones?	If "YES", give details.
	*
3. If the barring order was not perpetual, has the order been already	() VES () NO
ifted?	( ) YES ( ) NO If "YES", give details of the order and date of lifting.
	and date of fifting.
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G. De Jesus

2 of 3

<ol><li>Have any partners employment in the pul-</li></ol>	s retired, forced to blic or private sector	resign or dropped	from	() YES () NO If "YES", state the circums	tances/details.	
10. Are any partners re official or employee of	lated by consanguini f Bureau of Customs	ty or affinity to any pro?	esent	() YES () NO If "YES", state their nat present position and assign	ne(s), degree of relations ment.	ship, a
Character Refere	ence: (Not related to	you by consunguinity	or affi	nity)	-	
Nar	ne	Degree		Residence/ Address	Telephone No.	
v the undersigned a	and are correct, co	mplete and true; ar ne disapproval of th	nd that is app	e and correct; all document t any misrepresentation ar lication, suspension/cancel	d/or manifestation of fra	aud ir
	ver Printed Name o				r Printed Name of Applic	ant
Dati	e:	<del>-</del> -		Date	*	
				nted Name of Applicant		
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#### LIST OF REGULAR CLIENTS

1. CLIENT INFORMATION					
Name:		Organizations:			
sidence Address:		Telephone No.:			
		Fax No.:			
		E-mail Address:			
CEO/Manager:		Telephone No. (Direct L	ine):		
Contact Person:		Telephone No.:			
Position: Commodities regularly imported/exported:		Cellphone No.:			
1. 2. 3.					
CAS Accreditation No.:		Validity (mm/dd/yyyy):			
2. CLIENT INFORMATION					
Name:		Organizations:			
tesidence Address;		Telephone No.:			
		Fax No.:			
		E-mail Address:			
EO/Manager:					
Contact Person:			Telephone No. (Direct Line):		
onact reison, osition;		Telephone No.: Cellphone No.:	Telephone No.:		
3. CLIENT INFORMATION		Validity (mm/dd/yyyy)			
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esidence Address:		200 - 1 A 2			
esticite Address.		Telephone No.:			
		Fax No.:			
		E-mail Address:			
EO/Manager		Telephone No. (Direct Line):			
Contact Person- Osition:		Telephone No.:			
ommodities regularly imported/exported:		Cellphone No.:			
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	(Use additional st	heet if needed)			
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			(Customs Broker)		
			(Date)		
	e				
<ol> <li>Contact person is the official or employee of the issaction.</li> </ol>	firm with direct and ii	mmediate access to the CEO/Ma	nager on matters relating to custor		

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	REPUBLIC OF THE PHILIPPINES ) ) S.S
	AFFIDAVIT OF NO CLIENT
	I,, of legal age, Filipino, with home address at, after having been duly sworn in accordance
	with law, hereby depose and state that:
	I am a licensed customs broker with PRC License No, with office address at;
	<ol><li>In connection with the application for registration as customs broker with the Bureau of Customs, I hereby confirm that I have no client;</li></ol>
	<ol><li>I am executing this Affidavit to attest the truth and for whatever legal purpose it may serve.</li></ol>
	AFFIANT
	SUBSCRIBED AND SWORN to before me this day of In Manila, Philippines, affiant exhibiting to me his/her on
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### LIST OF AUTHORIZED CUSTOMS BROKER REPRESENTATIVES

1. Name:	AND THE CONTRACT OF CONTRACT O	Nickname:	Sex:	Civil Status
Residence Address:		Contact No.:		
	No. of the Control of	Specimen Sign	nature:	
SSS IS No.:	Issued on:			_
Customs Pass No.: Issued by ESS Command Por	п of		РНОТО	
Assignment: Port of			1" X 1"	
Highest Educational Attainme	ent: (College Course):		(Place Securely)	
2. Name:		Nickname:	Sex:	Civil Status:
Residence Address:		Contact No.:		
	And the second s	Specimen Sign	iature:	
SSS IS No.:	Issued on:		<u></u>	7
Customs Pass No.: Issued by ESS Command Por	t of	_	РНОТО	
Assignment: Port of			1" X 1"	
Highest Educational Attainme	ent: (College Course):		(Place Securely)	
3. Name:		Nickname:	Sex:	Civil Status:
Residence Address:	THE RESERVE OF THE PARTY OF THE	Contact No.:		
The state of the s		Specimen Sign	ature:	
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Assignment: Port of			1" X 1"	
Highest Educational Attainme	nt: (College Course):		(Place Securely)	
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		C	ERTIFIED true co	py and correct
			(Custo	oms Broker)
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REPUBLIC OF THE PHILIPPINES	)
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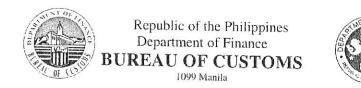
### **AFFIDAVIT OF NO CUSTOMS REPRESENTATIVES**

dl	, of legal age, Filipino, with home address, after having been duly sworn in
accordance	y teen daily show in
with law, here	eby depose and state that:
1. I ar ado	n a licensed customs broker with PRC License No, with office lress at;
Bur	connection with the application for registration as customs broker with the eau of Customs, I hereby confirm that $I$ have no customs resentatives;
3. I a	m executing this Affidavit to attest the truth and for whatever legal pose it may serve.
	AFFIANT
III Maniia, F	CRIBED AND SWORN to before me this day ofPhilippines, affiant exhibiting to me his/her
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G. De Jesus

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# CERTIFICATE OF REGISTRATION AS CUSTOMS BROKER

CCN BR-0000000000-year

This is to certify that the application for registration of Licensed Customs Broker:

### JUAN DELA CRUZ

Address (TIN: 000-000-000-000)

With Professional Identification Card No. 0000000 issued by the
Professional Regulation Commission is hereby <b>approved</b> in accordance with Customs Administrative Order No. XX-2019, and authorized the
Section 3.6 of CAO XX-2019, in any Port within the territorial jurisdiction
of the Philippines valid from until, subject however to suspension or cancellation prior to the expiration thereof
pursuant to applicable laws, customs rules and regulations.
GIVEN UNDER the hand and seal of this Bureau, this day of at the, Philippines.

REY LEONARDO B. GUERRERO Commissioner

Certified True Copy

Raquel G. De Jesus
VCOO
Clavid - BOC

	REPUBLIC OF THE PHILIPPINES )  ———————————————————————————————————				
	AFFIDAVIT OF CHANGE OF CIRCUMSTANCES				
	I,, of legal age, Filipino, with home address at, after having been duly sworn in				
	with law, hereby depose and state that:				
	<ol> <li>I am a licensed customs broker with PRC License No</li></ol>				
	<ol> <li>In connection with the application for the renewal of registration as customs broker, I hereby confirm that there are material changes in the circumstances with my company as well as on the documents earlier submitted as follows:</li> </ol>				
	<ul><li>3. In view of the foregoing, I have attached documentary proof in support of aforementioned material changes;</li><li>4. I am executing this Affidavit to attest the truth and for whatever legal purpose it may seem and the support of the s</li></ul>				
	purpose it may serve.				
	AFFIANT	_			
	SUBSCRIBED AND SWORN to before me thisday of  In Manila, Philippines, affiant exhibiting to me his/her  Issued at on				
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	AFFIDAVIT OF NO CHANGE				
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	accordance		after having been duly sworn in		
	with law, hereby depose	e and state that:			
	1. I am a licen	sed customs broker with	PRC License No, a u of Customs with AMO Registration		
	No	, and	d of Customs with AMO Registration d with office address at;		
	broker, i nerei	with the application for the	e renewal of registration as customs		
		ng this Affidavit to attest	the truth and for whatever legal		
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		***	AFFIANT		
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