



Republic of the Philippines  
Department of Finance  
**Bureau of Customs**  
1099 Manila

March 15, 2006

**CUSTOMS MEMORANDUM ORDER**

No. 8-2006

**SUBJECT: Certification and Authentication of Certificate of Origin by the Philippine Commercial Attaché in Country of Export for Products covered by Safeguard or Anti-Dumping Duty.**

For purposes of conforming with the Operational Certification Procedure for the Rules of Origin of CEPT/AFTA, CMO No. 06-2003 (Rules of Origin) is hereby modified thus:

**"2. All importers of articles subject to safeguard/anti-dumping duty regardless of Port of Exportation are required to secure a Certificate of Origin (CO) issued by the authorized agency/office in the source country of manufacture as provided for in II.1. abovementioned."**

Under the CEPT/AFTA scheme, the requisite CO of products covered by safeguard or anti-dumping duty need not be certified and authenticated by the Philippine Commercial Attaché in the country of exportation.

This Order takes effect immediately.

**NAPOLEON L. MORALES**  
Acting Commissioner





Republic of the Philippines  
Department of Finance  
**Bureau of Customs**  
1099 Manila



**ASSESSMENT AND OPERATIONS COORDINATING GROUP**

CMO-8-06 2

**MEMORANDUM**

**FOR** : **NAPOLEON L. MORALES**  
Acting Commissioner of Customs

**FROM** : **ATTY. REYNALDO S. NICOLAS**  
Deputy Commissioner, AOCG

**SUBJECT** : Letter of Director Ramon Vicente T. Kabigting,  
Bureau of International Trade Relations,  
Department of Trade and Industry.

**DATE** : 06 February 2006

1. This pertains to the letter of Director Ramon Vicente T. Kabigting dated 26 January 2006, referring the letter of Vietnam Ministry of Finance for clarification regarding the requirement of the Philippine Consular Section in Hanoi for certification and authentication of CO Form D under the CEPT/AFTA Scheme.

2. Explicitly, Vietnam Ministry of Finance is of the view that the requirement for certification and authentication of CO Form D is not governed by the Operational Certification for CEPT Rules of Origin.

2. The requirement for certification and authentication of Certificate of Origin by the Philippine Commercial Attaché in the exporting country is embodied in CMO No. 06-2003 [Certificate of Origin (CO) for Products covered by Safeguard Duty or Anti-Dumping Duty regardless of Port of Exportation]. The pertinent provision of the CMO reads as follows:

*"2. All importers of articles subject to safeguard/anti-dumping duty regardless of Port of Exportation are required to secure a Certificate of Origin (CO) issued by the authorized agency /office in the source country of manufacture as provided for in II.1 abovementioned, as authenticated by the Philippine Commercial Attaché thereat, if available."*

3. Contrary to the foregoing, the Operational Certification Procedure for the Rules of Origin of CEPT/AFTA does not provide such requirement mentioned in No. 2 above. The pertinent rules of the Operational Certification Procedure for the Rules of Origin of CEPT/AFTA are herein stated below.

*"Rule I*

*The Certificate of Origin shall be issued by the Government of the exporting Member State.*

06-11021

*Rule II*

(a) The Member State shall inform every other Member State of the names and addresses of the Government authorities issuing the Certificate of Origin and shall provide specimen signatures and specimen of official seals used by the Government authorities.

(b) Member States shall submit to the ASEAN Secretariat ten (10) sets of the above information and specimens for dissemination to other Member States. Any change in names, addresses, or official seals shall be promptly informed in the same manner.

(c) The specimen signatures and official seals of officials authorized by Member States to issue Certificate of Origin, compiled by the ASEAN Secretariat, shall be updated annually. Any Certificate of Origin issued by an official not included in the said list shall not be honored by the receiving Member States. "

4. Hence, the requirement for certification and authentication of Certificate of Origin by the Philippine Commercial Attaché is contrary to the Operational Certification Procedure for the Rules of Origin of CEPT/AFTA, whereby the Philippines is a party to the said international agreement. Accordingly, CMO No. 06-2003 should be amended, in order to conform to the Operational Certification Procedure for the Rules of Origin of CEPT/AFTA, to the effect that the requirement for certification and authentication of Certificate of Origin by the Philippine Commercial Attaché in the exporting country shall not be applicable to certificate of origin issued under CEPT-AFTA Form D or other preferential trade agreements.

For his information and consideration.

  
ATTY. REYNALDO S. NICOLAS  
Deputy Commissioner



Republic of the Philippines  
 Department of Finance  
**BUREAU OF CUSTOMS**  
**PORT OF MANILA**  
 Customs District II-A  
 South Harbor, Manila



ENO-8-06

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ASSESSMENT AND OPERATIONS COORDINATING GROUP

RECEIVED

BY: [Signature]  
 DATE: FEB 02 2006  
 TIME: 1:10

MEMORANDUM

FOR : The Deputy Commissioner  
 Assessment & Operations Coordinating Group

FROM : The Chief, Export Division

SUBJECT : Letter of Director Ramon Vicente T. Kabigting,  
 Bureau of International Trade Relations,  
 Department of Trade & Industry.

TO : [Redacted]

This has reference to the above letter dated 20 January 2006 which request BOC assessment relative to the request of Vietnam Ministry of Finance for clarification on the requirement of the Philippine Consular Section in Hanoi for certification and authentication of CO Form D under CEPT/AFTA Scheme.

Vietnam raised the issue that the requirement of certification and authentication of CO Form D is not governed by the Operational Certification Procedure for CEPT Rules of Origin and that it cost delay and additional cost to their exporter.

Basically, the requirement of authentication of Certificate of Origin by Philippine Commercial Attaché is embodied in Customs Memorandum Order No. 06-2003 (Certificate of Origin) for products covered by safeguard duty or anti-dumping duty regardless of port of exportation. Under the CMO, all importer of article subject to safeguard/anti-dumping duty regardless of port of exportation are required to secure a Certificate of Country of Origin (CO) issued by authorized agency/office in the source country of manufacture and properly authenticated by the Philippine Commercial Attaché thereat, if available.

This provision addressed the problem of circumvention or transshipment of product subject of safeguard/anti-dumping duty from affected source country to another country, not covered by the measures prior to export to the Philippines. The subject of this provision are non-preferential certificate of origin issued by Chamber of Commerce or other bodies whose mechanism for issuance is quite not as stringent and strict as that for preferential certificate of origin issued by government agency, such as Form D.

The Operational Certification Procedure for the Rules of Origin of CEPT-AFTA provides:

Rule I

The addressee of origin shall be issued by the Government of the exporting Member State.

Rule II

(a) The Member State shall inform every other Member State of the names and addresses of the Government authorities issuing the Certificate of Origin and shall provide specimen signatures and specimen of official seals used by the Government authorities.

[Signature]

- (d) Member states shall submit to the ASEAN Secretariat ten (10) sets of the above information and specimens for dissemination to other Member States. Any change in names, addresses, or official seals shall be promptly informed in the same manner.
- (e) The specimen signatures and official seals of officials authorized by Member States to issue Certificate of Origin, compiled by the ASEAN Secretariat, shall be updated annually. Any Certificate of Origin issued by an official not included in the said list shall not be honored by the receiving Member States.

From the foregoing Rules, it clearly shows appropriate measures/mechanism in the issuance of CO Form D are in place to ensure its validity and authenticity of that aforesaid document.

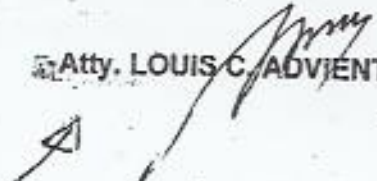
**Conclusion:**

1. Further requiring authentication and attestation by Philippine Embassy Official abroad will be redundant and will entail additional cost and delay. It is tantamount to a government agency certifying the action of another government agency.
2. It is contrary to the Operational Certification Procedure for CEPT-AFTA, whereby the Philippines is a party to an international agreement.
3. This matter may be raised by Vietnam under Dispute Settlement Mechanism (DSM) in the ASEAN Free Trade Agreement Council in Jakarta, Indonesia, if not addressed by BOC.

**Recommendation:**

It is respectfully recommended, that CMO6-2003 should be amended to the effect that the requirement of authentication by Philippine Official shall not be applicable to certificate of origin issued under CEPT-AFTA Form D or other preferential trade agreements.

Atty. LOUIS C. ADVIENTO



**Enclosures:**

CMO6-2003  
OCP CEPT-AFTA ROO

*Can you please draft the proposed amendment to CMO 06-2003?*



Felicidad V. Cardona  
Trade Control, Enclosure II  
2-8-06