



03 December 2018

CUSTOMS MEMORANDUM CIRCULAR NO. <u>258 - 2018</u>

To:

All Deputy Commissioners

All Directors and Division Chiefs

All District/Port Collectors
And Others Concerned

Subject: Department of Agriculture (DA) Guidelines in the Importation of Rice

Attached is the letter dated 26 November 2018 of Director Rex C. Estoperez, Grains Marketing Operations Department, National Food Authority endorsing a copy of the DA Memorandum Circular No. S-11-18-0374 entitled: "GENERAL GUIDELINES IN THE IMPORTATION OF WELL-MILLED, LONG GRAIN WHITE RICE UNDER THE OUT-QUOTA BY THE PRIVATE SECTOR OF OMNIBUS ORIGIN".

For your information and guidance.

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

Bureau of Customs
REY LEONARDO B. GUERRERO

MINISTER DE LEONARDO B. GUERRERO

18-00959

REY LEONARDO B. GUERRERO

Commissioner

DEC 05 201





Philippine Sugar Center Bldg., North Ave., Diliman, Quezon City Tel. No. (02) 453-3900/981-3800 to 30 Website www.nfa.gov.ph

26 November 2018

MR. REY LEONARDO B. GUERRERO
Commissioner
Bureau of Customs
Port Area, Manila



Dear Commissioner Guerrero:

May we inform you that the National Food Authority (NFA) shall be implementing the importation of the Out –Quota Rice Importation Program by the Private Sector of Omnibus Origin.

In consonance with the system that the Bureau of Customs (BOC) developed in particular to the List of Regulated Import Products, we are providing you the attached General Guidelines of Program which will now be posted in the said system's list for the information and reference of all concerned parties.

Thank you for your usual support in this undertaking.

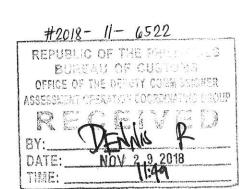
Very truly yours,

REX C. ESTOPEREZ
Director

Grains Marketing Operations Dept.

CC:

Legal Service Department
Account Management Office





Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City 1100, Philippines

MASTER COPY

November 23, 2018

MEMORANDUM CIRCULAR

No. : 3

: 5-11-18-0374

Series of 2018

TO

:

ALL CONCERNED

FROM

:

THE NFA COUNCIL CHAIRMAN

SUBJECT

GENERAL GUIDELINES IN THE IMPORTATION OF WELL-MILLED,

LONG GRAIN WHITE RICE UNDER THE OUT-QUOTA BY THE PRIVATE

SECTOR OF OMNIBUS ORIGIN

Pursuant to the powers granted to the **National Food Authority (NFA)** under Presidential Decree No. 4, as amended, to establish rules and regulations governing the importation of rice, Administrative Order No. 13 issued on September 17, 2018 and by virtue of **Council Resolution No.913-2018-K** dated **13 November 2018** this Memorandum Circular is hereby issued for the information and compliance of all interested parties.

This will serve as Guidelines for the out-quota importation as a result of the short-fall in production, a critical demand-supply gap, or other verified circumstances that may warrant the need of importation.

The NFA shall officially publish these Guidelines in a newspaper of general circulation and on the NFA website (www.nfa.gov.ph) and the same shall be filed and registered with the Office of the National Administrative Register of the University of the Philippines-Law Center, Diliman, Quezon City.

I. SOURCE OF RICE IMPORTATION AND QUANTITY

The source shall be Omnibus Origin (any source country). The quantity to be allocated to prospective importer shall be based on the Total Net Importing Capacity (Total Current Net Worth) declared in 2017 Financial Statement duly received by the Bureau of Internal Revenue (BIR) computed vis-à-vis their submitted Pro-forma Invoice..

II. TARIFF

All rice to be imported under this Program shall be levied with a tariff of 35% for ASEAN source country per ATIGA while 50% for non-ASEAN origin to be paid in advance with the Land Bank of the Philippines ("LBP"). However, final assessment and valuation shall be made by the Bureau of Customs ("BOC").

III. ALLOWED RICE VARIETIES TO BE IMPORTED

Importers are allowed to import 25% Brokens Well-Milled, Long Grain Rice or better.

IV. ELIGIBILITY REQUIREMENTS

 All interested NFA-licensed importers may apply to import under this Program which will start upon the effectivity of these Guidelines. This shall be published in newspaper of general circulation and filing with the National Administrative Office of the UP Law Center.

- 2. WHO CAN APPLY. For purposes of these Guidelines, the following may apply: Corporations, Partnerships, Sole Proprietorships, Farmer Cooperatives, Farmer Organizations, and Joint Ventures.
- 3. Involvement of applicant or any of the applicant's officers, directors, trustees, stockholders, members, and incorporators is a party to any pending civil, criminal or administrative case relative to rice smuggling, hoarding, unauthorized re-bagging/re-sacking of government stocks into commercial sacks, diversion, or cornering activities shall not be accepted.
- 4. An applicant who submits spurious, false, or fake documents or who makes misrepresentations in the application shall be denied of application.
- 5. Submission of the following documents to the Grains Marketing Operations Department (GMOD-FOD) of the NFA Central Office, from 0800 HRS to 1400 HRS, Monday to Friday. Incomplete documents shall be return out-right to the applicant.
 - 3.1. LETTER OF INTENT. The applicant shall submit a Letter of Intent ("LOI"). A copy of the LOI is available at the GMOD and can be downloaded at the NFA website. (ANNEX 1)
 - 3.2. Valid NFA License as Importer
 - 3.3. Bureau of Customs (BOC) Certificate of Registration and Legal Service Clearance that it has no pending administrative/ criminal case before the BOC Legal Service-Head Office.
 - 3.4. Supplier's Pro-forma Invoice
 - 3.5. 2017 Audited Financial Statement, stamped received by BIR.
 - 3.5.1 The **Total Current Net Worth of the applicant** shall be at least 10% of the total cost of the quantity intended to be imported. In a JVA, the combined **Total Net Worth** of the parties must qualify under this rule to be eligible;
 - 3.5.2 The Total Current Net Worth of the applicant shall not be lower than 5% of the total cost of the quantity intended to be imported. A Net Worth of less than 5% shall disqualify the applicant from participating in the Program;
 - 3.5.3 If the **Total Net Worth of the applicant** is less than 10% but not lower than 5% of the total cost of the quantity to be imported, the applicant may secure a Bank Guarantee or Credit Line from a reputable Universal/Commercial Bank equivalent to the **total value of the volume intended to be imported.**

6. AUTHORIZED REPRESENTATIVE

Only the applicant or its Authorized Representative is allowed to transact business with the NFA. The Authorized Representative shall be designated through a Board Resolution or Special Power of Attorney, which shall be submitted as a documentary requirement. No person shall act as Authorized Representative for more than one applicant.

V. ISSUANCE OF CERTIFICATE OF ELIGIBILITY TO IMPORT RICE (COEIR)

- The eligible importer shall pay a non-refundable Service Fee of PhP100.00 per MT to NFA prior issuance of COEIR.
- 2. The COEIR specifies the Country of Origin, Quantity, Commodity, Discharge Port, and the Tentative Assessed Custom Duty (ANNEX 2)

- 3. A COEIR is non-transferrable and shall be used only for the purpose for which it was issued.
- 4. A COEIR shall be issued to the eligible importer and signed by the NFA Administrator or, in his absence, by the Deputy Administrator for Marketing Operations in two (2) days.

The list of Eligible Importers and their allocations shall be furnished within 5 working days from approval of the list by the Administrator to the Bureau of Customs (BOC), Land Bank of the Philippines (LBP), Bureau of Plant Industry (BPI) and the NFA Council. NFA shall also publish the list of Eligible Importers and their allocations in its website.

5. In case there is a need to amend the content of the COEIR, the applicant shall apply for amendment through a letter-request enumerating the reasons for amendment. Requests for amendment shall be limited to rice specification and discharge port. The GMOD-FOD shall evaluate the request for amendment and recommend action for the approval of the NFA Administrator or, in his absence, by the Deputy Administrator for Marketing Operations. For valid reasons, the NFA shall issue a letter-certification of the amendments to the applicant. The applicant shall undergo LBP procedures before using the COEIR for import purposes.

VI. DELIVERY SCHEDULE

Rice import allocation of eligible importers must be loaded upon the approval of the SANITARY AND PHYTHOSANITARY IMPORT CLEARANCE (SPSIC) by the BPI-NPQS and payment of the required tentative advance Customs Duty.

VII. PAYMENT OF ADVANCE CUSTOMS DUTY/TARIFF AND OPENING OF TRADE/NEGOTIABLE INSTRUMENTS WITH THE LBP

- 1. The importer shall submit the COEIR to the International Trade Department of LBP ("LBP-ITD") within fifteen (15) banking days from the receipt of the COEIR, and shall open an account and pay the total advance customs duty/tariff of its import allocation with any designated LBP branch.
- 2. LBP shall process and accept payment of the advance customs duty/tariff based on the total volume specified and the amount computed and stated in the COEIR, subject to any additional requirements of LBP.
- 3. Upon payment of advanced customs duties, the importer shall likewise open with LBP any of the following trade/negotiable instruments:
 - 3.1. Open Account (ANNEX 3)
 - 3.2. Letter of Credit (L/C). (ANNEX 4)
 - 3.3. Documents Against Acceptance (D/A)/ Documents Against Payment (D/P). (ANNEX 5)
 - 3.4. Direct Remittance (ANNEX 6)
- 4. The importer is not allowed to pay cash directly to the supplier or use negotiable instruments issued by other banking institutions.
- 5. LBP shall report to GMOD-FOD via electronic mail (nfagmodfod@gmail.com), with copy furnish to the NFA Administrator (nfaadmin@yahoo.com), the advance customs duty/tariff payment indicating the amount, time and date of payment.

VIII. APPLICATION AND ISSUANCE OF THE BUREAU OF PLANT INDUSTRY - SANITARY AND PHYTHOSANITARY IMPORT CLEARANCE (BPI-SPSIC)

1. All rice importers are required to register with the BPI-National Plant Quarantine Services Division prior conduct of negotiation and actual importation.

2. Application and issuance of BPI-SPSIC is required in accordance with the Department of Agriculture (DA) Memorandum Order No.1, s.2010 and eligible importers shall comply with existing orders and circulars relative to this DA Memorandum.

IX. ISSUANCE AND USE OF IMPORT PERMIT (IP)

- To obtain an Import Permit (ANNEX 7) the importer shall submit to the GMOD-FOD electronic copies of shipping documents submitted to the LBP not later than three (3) days before arrival of the carrying vessel at designated Port of Discharge. These documents are as follows:
 - 1.1 Arrival Information Notice (ANNEX 8)
 - 1.2 Bill of Lading
 - 1.3 Commercial Invoice
 - 1.4 Packing List
 - 1.5 Notice of Arrival issued by the Shipping Lines
 - 1.6 Receipt Copy of negotiating documents duly stamped by LBP
 - 1.7 The Applicant importer shall submit an OMNIBUS AFFIDAVIT (ANNEX 9)

The NFA may opt to require the submission of the following documents if necessary to attest the veracity of the shipment:

- 1.8 Certificate of Origin
- 1.9 Certificate of Fumigation
- 1.10 Phytosanitary Certificate
- 1.11 Certificate of Weight and Inspection of the quality and weight of rice and the condition of bags.
- 1.12 Inspection Certificate as to the Condition of the Vessel (for break bulk shipment)
- 2. The NFA Administrator or designated Officer-In-Charge, in his absence, the Deputy Administrator for Marketing Operations shall issue the import permit within one (1) day upon recommendation of GMOD-FOD, and OAAMO (Office of the Assistant Administrator for Marketing Operations) that all documents/requirements have been fully complied in accordance to the Guidelines. The import permit shall be signed by the NFA Administrator or, in his absence, the Deputy Administrator for Marketing Operations and shall be in form as embodied in ANNEX 11 of these Guidelines.
- 3. The shipment shall be considered illegal in the event the shipment has no valid import permit.
- 4. The import permit shall be issued on a per Bill of Lading (B/L) basis upon payment PhP5,000.00 processing fee per B/L.
- 5. An Import Permit shall not be sold, transferred, assigned or use other than for which it was issued.
- 6. The NFA shall furnish the BOC and the NFA Council with the list of importers issued with import permits.

X. VALIDITY PERIOD OF IMPORT PERMIT (IP)

- 1. An Import Permit shall have a validity period of fifteen (15) calendar days from the date of issuance.
- 2. The validity period of the IP may be extended by the NFA Administrator or designated Officer-In-Charge in the "Event of Force majeure" or any valid reason that may cause delay in the use of the IP. The importer applying for IP validity extension shall submit a written request together with satisfactory evidence justifying the extension within five (5) days from the last day of the original IP validity.

- 3. The NFA Administrator or designated Officer-In-Charge, in his absence, by the Deputy Administrator for Marketing Operations shall decide within three (3) days from receipt of the written request otherwise, it shall be deemed approved.
- 5. "Event of Force Majeure" means (a) prohibition of export, namely an executive or legislative act done by or on behalf of the government of the country of origin where the port is situated, restricting export; (b) blockade; (c) acts of terrorism; (d) hostilities; (e)strike, lockout or combination of workmen; (f) riot or civil commotions; (g) fire; (i) ice; (j) Acts of God; and (k) any other unforeseeable and unavoidable impediments without the fault or negligence of the importer.

X. DISCHARGE PORTS

The designated discharge ports shall be at the option of the importer.

XI. PENALTY CLAUSE

- 1. The NFA may revoke, cancel and suspend a Certificate of Eligibility and/or an Import Permit on the following grounds:
 - 1.1. Involvement as defined in Section V (2) in the illegal entry of rice into the country as reported by BOC or any apprehending government agency as defined in above mentioned provisions of these Guidelines;
 - 1.2. Involvement as defined in Section V (2) in hoarding of rice stocks or manipulation of prices or any serious violation of P.D No. 4 and existing laws, rules and regulation of the Republic of the Philippines;
 - 1.3. Other similar causes.
- 2. Any violation of these Guidelines shall be a possible ground for the non-processing and non-issuance of subsequent Import Permit for its import quota balance, if any and for the non-issuance of a Certificate of Completion and shall be ground for disqualification in any future NFA Importation Program and non-renewal of NFA Grains License. The NFA Administrator shall recommend to the NFA Council the disqualification of such importers.

XII. REPEALING CLAUSE

All rules and regulations, circulars, directives, and orders or parts thereof, inconsistent with any of the provisions of these guidelines are hereby repealed, modified, or amended accordingly.

XIII. EFFECTIVITY

The Guidelines shall be published in a newspaper of general circulation and the Office of the National Administrative Register of the University of the Philippines Law Center, Diliman, Quezon City and shall take effect after fifteen (15) days.

APPROVED:

SEC. EMMANUEL F. PIÑOL

Secretary

Department of Agriculture



NAME OF COMPANY/ENTITY/ORGANIZATION

Business Address E-Mail Address Telephone Number and Fax Number

LETTER OF INTENT

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It shall abide with the General Guidelines set forth by the National Food Authority (NFA) for the Program and with all Rules and Regulations under the Philippine Laws on Rice Importation. Attached are pertinent documents for your verification and authentication.						
Owner/Au Address:	thorized Roone No.:	inted Name epresentative		* %		





2018-COE-OQ

CERTIFICATE OF ELIGIBILITY

The National Food Authority hereby grants this CERTIFICATE OF ELIGIBILITY TO IMI	ORT RICE
(COEIR) to:	om Mod

(NAME OF COMPANY)	
 (COMPLETE ADDRESS)	

After having completely submitted the requirements under the General Guidelines of the Out-Qouta Rice Importation Program and declaring them Eligible to import rice with the following details:

Country of Origin	Quantity (in MT)	Commodity Specification	Discharge Port
			N.

•	Tentative Assessed Customs Duty/Tariff: PhP
1	Please See Attached Tentative Computation)

This Certification is a supporting document for the opening of negotiable instruments with the LBP to cover importation cost and advance payment of customs duties and tariffs.

Note:

- a. Advance Customs Duties /Tariffs are subject to the Final Assessment by the Bureau of Customs (BOC) upon arrival of import.
- b. Within fifteen (15) banking days from the date of issuance of this COE, the importer shall submit the COE to the International Trade Department of LBP ("LBP-ITD") and shall open an account and pay the advance customs duty/tariff with any designated LBP branch. Non-payment in full of the total advance customs duty/tariff within the said period shall mean automatic revocation of this COE.

Issued on	
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OUT-QUOTA NFA RICE IMPORTATION PROGRAM

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OUT-QUOTA NFA RICE IMPORTATION PROGRAM

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OUT-QUOTA NFA RICE IMPORTATION PROGRAM

Trade Instrument: Documents Against Acceptance (D/A) and Documents Against Payment (D/P)

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	man white which the fine the walled	and submission of comined true copy of the certificate of registration with the SEC laft.
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OUT-QUOTA NFA RICE IMPORTATION PROGRAM

Trade Instrument: Direct Remittance General Requirements 1. Certificate of Eligibility issued by the National Food Authority (NFA) Manager's Check (and its photocopy) for Bank charges Mote: Only Manager's Checks or cashier's checks issued by a reputable commercial/universal bank are acceptable for payment. The importer may also upt for the delvit account or over-the-counter payment for the bank charges) PASS 5 (Payment Application Secure System 5) Documents for payment of customs duties: Duby accomplished PASS 5 Enrolment Form; Customs Client Number (CCM) issued by BOC and Authority to Deba Account (One-time submission). Copy of Single Administrative Document (SAD) generated from EZM System terminal of the importer/broker. Shipping documents: Original commercial invoice signed by the supplier. It should indicate the DAADP mode of payment for the importation, complete description of rice to be imported, FOD price per metric ton (strougl to at least equal to the benchmark price provided and evaluated by NFA) port of discharge, validity offer, etc. Neooliable copy of Bill of Lading. Accomplished TOO signature card of the authorized signatory and/or authorized representative (fix importation purposes) duly authoriticated by the LDP officer/staff. (Form provided - Form No. 02) Authorized signalory should present at least two (2) realid life. Swom Attestation, as required by LANDBANK. (Form provided -Form No. 03) - one-time submission Application to Purchase Foreign Exchange (Form provided - Form No. 04). For Farmer's Organizations: Presentation of the original and submission of certified true copy of the corollicate of registration with the CDA. Authenticated by LDP offices/staff. Presentation of the original and submission of certified true copy of the Articles of Cooperation and By-Laws authenticated by LBP officer/staff. Original copy of the Board Resolution stating therein the authorized signatory in the use of other financial 3. instruments, such as DA or DP, with LANDBANK for the 2014 NFA rice importation program of the government. Latest audited Financial Statement, optional For Corporation and Partnership: Presentation of the original and subvaission of certified true copy of the certificate of registration with the SEC authenticated by LBP officer/staff. Presentation of the original and submission of certified true copy of the Avides of Incorporation and By-Laws authenticated by LBP officer/staff. Original copy of the Board Resolution stating therein the authorized signatory in the use of other financial Instruments, such as DA or DP, with LAMINDANK for the 2014 NFA rice importation program of the government. Latest audited Financial Statement, optional For Single Proprietorship: Presentation of the original and submission of certified true copy of the certificate of the updated DTI Registration authenticated by the LBP officer/staff, Particulars. Basis of Computation of Cover and Bank Charges L. Basis Amorent Amount of Importation x Selling Rate = Php equivalent 2. Conser 100% Php equivalent of the Aircont of Importation 3. Bank Commission 1/8 of 1% of Basis Amount 4. Decumentary Stamps NO 30 per Phys/00.00 of the Pro-expendent of the LC Amount S. SWIFT CASE किएडिएन एक G. PAS 5 Emallment Fee (One-time) Php 60.00 Transmittal Fee Pno250.00 & Troal (fotar of thems 1, 2, 3, 4, 5, 6 & 7) Payment of duties to be decined from the important account encoded under PASS 5, while payment of bank charges shall be through manager's or cashier's checks , or date from importers account with LEP, or over-the-counter. TO BE FILLED UP BY PMD Name of Littly Name of Authorized Signatory/Representative Address and Contact Number Christian Liv Date check

Comments/Instructions



IMPORT PE	RMIT	NATIONAL FOOD AUT	G PANGASIWAAN N HORITY , North Avo., Diliman, Quezan City Website:	
This Import Permit is	Sub Cus	price indicated in the ject to the B	Commercial Invoice submitted ureau of Customs (BoC) to deter filing of the required Impor	d by the importer is
(NAME OF IN	this Doc	s shipment, certified tru cument (SAD), Assessme	o NFA-GMOD within one (1) we ue copy of the processed S ent Notice/Automated System	ingle Administrative
(Address)	Tax Sub desi	es, Arrastre, Wharfage ar mission of these reports i ignated licensed broker/	i, Proof of Payment/Official R id other related fees and dispo s compulsory on the part of the duly authorized representative	ort surveyor's report. e importer or his/her re. Otherwise non-
TIN Number: Date Issued	for	import permit. Likewise Jualify importer from NFA	processing of the importer's si e, non-submission of the abo 's future Rice Importation Prog	ve documents shall ram.
Date Issued		endments/addendum for cortation Program must be	ditions set forth in the (the Importation of Rice w complied with by the importer	nder the Out-Quota
This Impart Peraut	to \	TTI V FILLIPO	rtation of the below commodity regulations of other concerned a	shall also be subject gencies.
(The validity of this impossor (15) calendar days from the	Minim u erRicceelmpe lated assumer, pre	ortation P	SS VAMAAAAA rogram	
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Price per Comm'l. Invoice	:		NIA	PLAC
Date of Arrival				
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Port of Discharge Name of Vessel				
B/L Number and Date			MICEDE DA	D. CODE
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Name of Loadport Surveyor			IMPORTER'S	COPY
				-

NAME OF COMPANY/ENTITY/ORGANIZATION

Business Address E-Mail Address Telephone Number and Fax Number

Date:
ARRIVAL INFORMATION NOTICE TO : NATIONAL FOOD AUTHORITY
THRU : GRAINS MARKETING OPERATIONS DEPARTMENT
We are pleased to inform you that our rice import will arrive on with the following details:
 Bill of Lading No.:
We will submit the required documents for the processing of our Import Permit not later than seve (7) days before the arrival in accordance with the approved Guidelines of the Out-Quota Ric Importation Program.
Signature Over Printed Name Owner/Authorized Representative Address: Mobile Phone No.: Tel./Fax No.: B-mail Address:

MASTER COPY ANNEX 9

OMNIBUS AFFIDAVIT

I,	(Name of Importer/authorized representative) , of legal age, Filipino, single/married, a resident
of	(address) having been sworn to, in accordance with law, hereby states that:
1.	I am the authorized representative of (Name of Entity), duly registered under the Philippine law and which is engaged in the trading of rice, among other commodities;
2.	I was issued by the National Food Authority (NFA) Certificate of Eligibility to Import Rice (COEIR) No. dated which allows me to import from (source country), under the Out-quota Rice Importation Program;
3.	I am requesting NFA for an Import Permit (IP) forMT of rice under Bill of Lading Nowhich is scheduled to arrive on at the Port of(name ofdischarge port);
4.	The I am not involved as defined in Section V (2) in the illegal entry of rice into the country as reported by the Bureau of Customs (BOC) or any apprehending Government agency as defined in above mentioned provision of these Guidelines;
5.	That I am not involved as defined in Section V (2) in hoarding of rice stocks or manipulation of prices or any serious violation of P.D. No. 4 and existing laws, rules and regulations of the Republic of the Philippines;
6.	I will strictly abide with all the provisions including the submission of post-documentary requirements as stipulated under the out-quota Rice Importation Program;
7.	Further, I confirm that I have read and understand the content and intent of the out-quota Guidelines;
8.	I shall not issue any Deed of Assignment for this shipment to any person/entity;
9.	I hereby acknowledge full responsibility and accountability for any willful misrepresentation and/or willful violation committed on this shipment.
In witne	ess whereof, I have hereto set my hands this 2019 in the Philippines.
	Affiant
Subscri	bed and sworn to, before me on the date and place above written, affiant allowed me his bearing issued at, Philippines.
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MESTER COPY
ANNEX 10

CERTIFICATE OF COMPLETION

This	is to certify that(N			served its impor	rt allocation of
	MT under the Out	-Quota Rice Importation	Program.		
Detai	ils of which are as follows				
	Import Permit Numbe	er Bill of Lading N	umber Q	Quantity (MT)	
	1.				
	2.				
-	3. 4.				_
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