



BUREAU OF CUSTOMS

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RCMG Memo No. 01-2023

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BOC-02-146

MEMORANDUM

TO : ALL DISTRICT AND SUBPORT COLLECTORS
CHIEFS, AUCTION AND CARGO DISPOSAL DIVISION
ALL OTHER OFFICES CONCERNED

FROM : **ATTY. MARIA YASMIN M. OBILLOS-MAPA,**
Acting Director, Legal Service and
Executive Director, BATAS

SUBJECT : STRICT REQUIREMENT TO SUBMIT THE
CONDEMNATION REPORT

DATE : 19 January 2023

Pursuant to the Memorandum No. 25-2021 of the Commissioner of Customs dated 04 February 2021, once the clearance to dispose the goods has been issued by the Legal Service, it is the duty of all the District Collectors, Auction and Cargo Disposal Division, and/or other related officers, to submit the following documents to the Legal Service within five (5) days from the conclusion of the disposition:

1. Final Inventory Report of the subject shipment duly prepared and certified by the assigned customs examiner; and
2. All pertinent documents (including photographs) relative to the process of disposal, duly certified by the head of disposing office.

For perishable shipments, the Port *a quo* shall also comply with the following conditions:

- 1) The disposition shall be in the manner prescribed by the appropriate government agency; and
- 2) Submission to the Legal Service of the following documents within five (5) days from the conclusion of the disposition:
 - a) High-Resolution video-recording and photographs of the container showing the 'container number' with the commodities inside therein, and the actual procedure of the disposal of the goods to be stored in a USB Device;
 - b) Representative Samples (at least 2% of the commodities) taken from the subject shipment/s and properly identified shall be set aside and preserved by the Auction and Cargo Disposal Division of the Port. However, if the preservation of representative samples is physically impossible, a Certification by the Port *a quo* stating the facts and circumstances why representative samples cannot be preserved;

- c) Final Inventory Report of the subject shipment/s duly prepared and certified by the assigned Customs Examiner and witnesses who conducted the same;
- d) Affidavit of Witnesses who were present during the disposal of the subject shipment/s; and
- e) Other pertinent documents relative to the disposal of the subject shipment/s.

However, it has been observed by this Office that the majority of the ports does not comply with the timely submission of the Condemnation Report.

In view of the foregoing, you are hereby reminded to strictly observe the provided timeline for the submission of the condemnation report, to wit:

- For the previous clearances issued: No later than 31 January 2023.
- For the clearances issued starting the date of this Memorandum: Within five (5) days from the conclusion of the disposition.

Moreover, the procedures set forth in Customs Memorandum Order No. 24-2001 entitled, "*Rules and Regulations Implementing Customs Administrative Order No. 3-2020 on the Disposition of Forfeited and Abandoned Good Through Condemnation*" must be strictly observed.

In this regard, please inform the Legal Service at least three (3) days before the intended date of condemnation and provide it with a copy of the related documents by sending the same to its email address at clearance.legalservice.boc@gmail.com.

Failure to comply with the foregoing shall be penalized in accordance with Title XIV of the Republic Act No. 10863, otherwise known as the Customs Modernization Act of 2016, and other applicable penal provisions.

For strict compliance.