



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

RCMG Memo No. D2-2023

MEMORANDUM

MASTER COPY



BOC-02-14634

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

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

SUBJECT : REQUIREMENTS TO SECURE CLEARANCE TO
DISPOSE GOODS FROM THE LEGAL SERVICE

DATE : 19 January 2023

Pursuant to the Memorandum No. 25-2021 of the Commissioner of Customs dated 04 February 2021, all Collection Districts, Sub-ports, and other offices concerned are directed to secure a clearance at least ten (10) days prior to the proposed disposition of the abandoned and/or forfeited goods in any of the following manner:

1. Public Auction
2. Donation
3. Official Use of the Bureau
4. Negotiated Sale
5. Re-Exportation
6. Destruction or Condemnation
7. Turn-over to Proper Government Agencies

In relation thereto, for every request for clearance, the requesting office or official shall comply with the requirements set forth under **Section 10** of the **Customs Memorandum Order No. 24-2021**, to wit:

“Section 10. Clearance from Legal Service. Immediately after the finality of the Order of Forfeiture or Decree of Abandonment, the Law Division and the ACDD/equivalent Unit shall submit a request to the Legal Service for clearance that the goods to be condemned are not subject of any pending complaint filed with the Department of Justice or subject of a pending criminal or civil proceedings in any judicial tribunal.

The following documents shall be attached to the request for clearance:

- a. **Matrix of goods subject of disposal;**

- b. *Copy/ies of the Order of Forfeiture or Decree of Abandonment; and*
- c. *Certificate of Finality*

XXX

The port must ensure that the clearance from the Legal Service is obtained prior to the preparation of the Detailed Plan of Condemnation. Failure to obtain the clearance shall be penalized under Section 1430 and Title XIV, Chapter 2 of the CMTA, Neglect of Duty and other administrative liability in accordance with existing civil service laws, rules and regulations.” (Emphasis supplied)

A legal clearance will not be issued unless the complete requirements are duly submitted.

In view of the foregoing, you are hereby reminded to strictly comply with the aforesaid requirements for the issuance of clearance by the Legal Service.

For strict compliance.