January 04, 2018

CUSTOMS MEMORANDUM CIRCULAR NO. <u>07-2018</u>

To:

All Deputy Commissioners

All Directors and Division Chiefs

All District/Port Collectors
And Others Concerned

Subject: Lost Entry Covering the Shipment Consigned to ALL TRANSPORT NETWORK, INC.

An Import Entry No. C-227392-16 covering the shipment consigned to **ALL TRANSPORT NETWORK, INC.** was reported lost.

To that effect, an Affidavit of Loss executed by Mr. Michael V. Macadat, Customs Representative of the said company, and the $1^{\rm st}$ endorsement dated December 18, 2017 of the OIC-District Collector, MICP are attached herein.

In order to ensure that unauthorized usage thereof is avoided, it is incumbent upon the Chiefs of concerned Divisions/Units to keep a permanent record of all lost documents as reference if secondary evidence is availed of in lieu of the lost original documents.

This CMC is issued pursuant to CAO 2-2001 and CMO 15-2002.

For your information and guidance.

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

ISIDRO S LAPEÑA, PhD, CSEE

Commissioner



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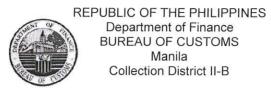


REPUBLIC OF THE PHILIPPINES Department of Finance BUREAU OF CUSTOMS Manila Collection District II-B

MANILA INTERNATIONAL CONTAINER PORT

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		Collecting Officer (sign above printed name)				
		01/03/2018				
_		Date				





MANILA INTERNATIONAL CONTAINER PORT

MEMORANDUM -

FOR:

Atty. RUBY CLAUDIA M. ALAMEDA

OIC-District Collector

SUBJECT:

Request to reconstruct lost original import

entry with attachments

DATE

December 18, 2017

This has reference to the letter dated December 11, 2017 of Mr. Jorey G. Salazar, Project Manager of ALTA FAIRS & EXHIBITS, for the reconstruction of Import Entry No. C-227392-16 covering the shipment of 1x20' Container STC: 83 pkgs. Electric Box, BG Cable Box for exhibition and display consigned to its principal, ALL TRANSPORT NETWORK, INC. (hereinafter referred to as "ATN," for brevity), which arrived at this Port on board the vessel "Hyundai Premium,' Voy. 027E covered by B/L No. SINMNL1623690.

The shipment arrived at this Port duly covered by the Certificate of Exemption from payment of Customs duty and VAT issued by the Department of Finance on August 30, 2016 pursuant to Sec.105(i) of the TCCP, as amended, subject among others to, "posting of re-export bond equal to one and one-half (1-1/2) times the ascertained duties and taxes and other charges due thereon." Pursuant to the aforesaid provision, ATN posted Ordinary Re-Export Bond No. 02692 issued by Meridian Assurance Corporation on September 6, 2016.

On October 2, 2016, ATN re-exported the said shipment to its Port of Origin and accordingly requested for the cancellation of the Ordinary Re-Export Bond it posted with the Bonds Division, this Port. In support of its request, ATN submitted the original copy of Entry No. C-227392-16, together with its supporting documents. Subsequently on May 31, 2017, the instant request of ATN was endorsed to the Liquidation and Billing Division, this Port, by Mr. Florante T. Ricarte, Acting Chief, Bonds Division for appropriate action. Mr. Ricarte made a notation in the aforesaid

MASTER COPY

endorsement that the original copy of Entry No. C-227392-16 is attached thereto.

On June 16, 2017, Mr. Salazar disclosed that the Customs Representative of ATN, Mr. Michael Macadat, borrowed the docket/folder of their request for cancellation of the re-export bond, in order to secure Mr. Macadat allegedly brought the docket folder to photocopies thereof. the photocopy operator on the same day and was advised to return later in the afternoon considering the volume of documents that need to be When he returned to the photocopy operator at 4:00 p.m. on that same day to pick-up the documents, however, he noted that the original copy of the aforesaid import entry was missing. Together with the photocopy operator, they searched for the missing documents but their efforts proved futile as they ultimately failed to retrieve it. Mr. Macadat has executed a Sworn Affidavit detailing the circumstances which resulted in the loss of Import Entry No. C-227392-16. For all intents and purposes, the original copy of the said import entry is now deemed lost and irretrievable. Hence, the instant request to reconstruct the said lost import entry.

In resolving the instant request, this Office took into consideration the provisions of Customs Memorandum Order (CMO) No. 15-2002 which are explicit on the procedures and requirements bearing on reconstruction of lost import or other official documents, to wit:

"XXX XXX XXX

- 1. A written request for the reconstruction of lost import documents or other official documents shall be filed with the Office of the District Collector in the Port where the said documents were entered/filed, attaching therewith the following:
- 1.1 Affidavit of Loss of the person responsible (importer, broker, broker's representative or Customs employee/custodian) for the loss of the import document(s) duly registered with the Law Division;
- 1.2 Verified photocopy of the lost import documents; duly certified document(s) by or on behalf of the importer/broker may be accepted in lieu of the verified photocopy pursuant to Sec. 3515 of the TCCP, as amended;
- 1.3 Proposed reconstructed copy or copies of the lost import documents with the required amount of Customs documentary stamps already affixed thereon; and

MASTER COPY.

1.4 Print-out of the Temporary Assessment Notice and SAD covering the importation to be sourced from the Office of the Chief, FED/WAD or equivalent unit in the Port.

XXX XXX XXX"

From the foregoing, and considering the faithful compliance by ATN of the foregoing conditions, this Office recommends the approval of the request to reconstruct the aforesaid import entry in order that the Ordinary Re-Export Bond it posted may accordingly be cancelled in accordance with the terms thereof. It is apparent, too, that ALL TRANSPORT NETWORK, INC. has no other recourse other than to reconstruct the said import entry since the retrieval thereof is no longer possible.

The approval of the instant request is conditioned upon the cancellation of the Re-Export Bond No. 02692 posted by **ALL TRANSPORT NETWORK, INC.** and compliance with such other Customs laws, rules and regulations pertinent thereto.

Respectfully recommended.

Atty. RENE MANUEL A. OCHAVE

Hearing Officer

NOTED WITH CONCURRENCE:

Atty. GIOVANNIAMENTAND A. LEYNES

Acting Chief, Law Division

APPROVED/DISAPPROVED:

Atty. RUBY CLAUDIA M. ALAMEDA OIC-District Collector

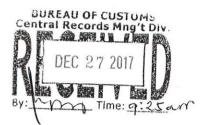
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REPUBLIC OF THE PHILIPPINES
Department of Finance
BUREAU OF CUSTOMS
Manila
Collection District II-B

MANILA INTERNATIONAL CONTAINER PORT

1st INDORSEMENT December 18, 2017



Respectfully indorsed to The Chief, Central Records Management Division (CRMD), FOR CIRCULARIZATION, the within documents pertaining to the request of ALTA FAIR & EXHIBITS to reconstruct Import Entry No. C-227392-16 (with supporting documents) covering the shipment of 1x20' Container STC: 83 pkgs. Electric Box, BG Cable Box for exhibition and display consigned to ALL TRANSPORT NETWORK, INC. which arrived at this Port on board the vessel "Hyundai Premium," Voy. 027E covered by B/L No. SINMNL1623690. which were misplaced/lost and were now deemed irretrievable, inviting attention to the favorable recommendation of the Law Division, this Port, and the approval thereof by this Office.

For consideration.

Atty. RUBY CLAUDIA M. ALAMEDA

OIC-District Collector

w/encl.

ALL TRANSPORT NETWORK

hig Faw

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1:10

Bureau of Customs

11 December 2017

Manila International Container Port

Manila, Philippines

Attention:

Atty. Ruby Claudia Alameda

OIC District Collector

Attention

Acting Chief

Law Division - MICP

Subject:

Request for reconstruction of entry no. 227392-16

Dear Madam:

We would like to request from your good office a reconstruction of entry number 227392-16 which was lost although a thorough search has been conducted the said document is now irretrievable.

The entry 227392-16 was filed for shipment containing 83 packages of Electric box, BG cable box for exhibition display consigned to All Transport Network Inc., processed at Manila International Container Port, Bureau of Customs under by BL number: \$1NMND1623690 and covered by Reexport bond no. 02692.

Said shipment was re-exported on 2 October 2016 and on 24 May 2017 our request for re-export bond cancellation with complete set of import and export documents was received by Bonds Division.

On 31 May 2017, a letter addressed to Liquidation & Billing Division was created and signed by Mr. Florante P. Ricarte, Acting Chief of Bond Division with notation stating that the original entry was attached. After Liquidation and Billing Division the compiled folder containing all pertinent documents was transmitted to Formal Entry Division.

On 16 June 2017 around 11:00am, our customs representative, Mr. Michael Macadat, borrowed the folder and brought it to the photocopier area to secure a photocopy of each document. At around 4:00pm of the same day, he returned to retrieve the folder and noticed that the original entry is no longer attached. Our representative together with the photocopier operator immediately tried to find the original document but they were not able to find the missing entry.

On 19 June 2017, our representative went back to the photocopier area and talked to the operator again. They both made a thorough search and checked all documents in the area but to no avail the original entry cannot be found:

That despite diligent efforts exerted, the original import entry can no longer be located, find or recover, and to the best of our knowledge, it is truly lost.

Address: No. 3 Sta. Agueda Avenue, Pascor Drive Paranaque City Philippines

Phone: +63 2 551 46 46 / / Email: altafairs@atn.com.ph / Website: atn.com.ph







On this regard, we would like to request for the reconstruction of the said entry for us to be able to continue with our processing of cancellation of bond.

We humbly ask for your assistance and attention on this request.

Thank you very much.

Respectfully yo

JOREY G. SALAZAR Project Manager

Address: No. 3 Sta. Agueda Avenue, Pascor Drive Parańaque City Philippines

Phone: +63 2 551 46 46 /4 / / Email: altafairs@atn.com.ph / Website: atn.com.ph

REPUBLIC OF THE PHILIPPINES)

: S.S.

CITY OF MANILA

AFFIDAVIT OF LOSS

I, MICHAEL V. MACADAT, of legal age, Filipino with the office address at No. 3 Sta. Agueda Avenue, Pascor Drive, Parañaque City 1700 Philippines. Duly sworn in accordance with the law, hereby depose and state that:

- 1. I am a Customs Representative of All Transport Network, Inc., a domestic company duly organized and existing under and by virtue of the Philippine law, with office address stated above;
- That the shipment of 83 package, Electric box, BG cable box for exhibition display was consigned to All Transport Network Inc. and processed at Manila International Container Port, Bureau of Customs covered by BL number:
 SINMNL1623690
 under import entry no. 227392-16 covered by Re-export bond no. 02692;
- 3. That said importation was re-exported on 2 October 2016;
- 4. That on 24 May 2017, our request for re-export bond cancellation together with complete import and export document was received by Bond Division;
- 5. That on 31 May 2017, a letter addressed to Liquidation & Billing Division was created and signed by Mr. Florante P. Ricarte, Acting Chief of Bond Division;
- 6. That on the said letter a notation states that the original entry was attached;
- 7. That after Liquidation and Billing Division the compiled folder containing all pertinent documents was transmitted to Formal Entry Division;
- 8. Bond Division the compiled folder containing all pertinent documents was transmitted from Formal Entry Division;
- 9. That on 16 June 2017 around 11:00am, we borrowed the folder and brought it to the photocopier area and asked operator to photocopy each document. At around 4:00pm of the same day, I returned to retrieve the folder and noticed that the original entry is no longer attached. I together with the operator immediately tried to find the original documents but we were not able to find the missing entry;
- 10. That on 19 June 2017, I went back to the photocopier area and talked to the operator again. We both made a thorough search and checked all documents in the area but to no avail the original entry cannot be found;
- 11. That despite diligent efforts exerted, the original import entry can no longer be located, find or recover, and to the best of our knowledge, it is truly lost.
- 12. That this affidavit is being issued to state that the original import entry no. 227392-16 has been lost:

and

- 13. That on behalf of the company, All Transport Network Inc., we would like to request for the reconstruction of the said entry for us to be able to continue with our processing of cancellation of bond;
- That on behalf of the company, the undersigned shall act as their authorized representative to transact and sign of any legal businesses entered into;

AFFIANT FURTHER	R SAYETH NAUGHT.
Affiant Sayeth Naught.	
	MICHAEL V. MACADAT
	Affiant
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	ATTY AGUSTIN B. CABREDO
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