



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

Date 12 OCT 2023

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## CUSTOMS MEMORANDUM ORDER

NO. 16-2023

**SUBJECT: PROCEDURES ON THE PROCESSING OF CLAIMS FOR DUTY DRAWDRAWBACK PURSUANT TO CUSTOMS ADMINISTRATIVE ORDER (CAO) NO. 4-2019**

**Section 1. Scope.** This Order shall cover all claims for Duty Drawback filed pursuant to Sec. 900 (A) to (C) of the CMTA and all claims for Duty Drawback previously filed with the Department of Finance's One-Stop-Shop Inter-Agency Tax Credit and Duty Drawback Center ("CENTER").

### Section 2. Objectives.

- 2.1. To provide detailed guidelines on the application, processing, approval, and manner of payment for Duty Drawback claims;
- 2.2. To ensure that there will be no double claims in the processing and payment of refund for Duty Drawback; and
- 2.3. To provide for the procedures in the processing of claims filed with the "CENTER" Center in view of Administrative Order (AO) No. 04, s. 2023 issued by the Office of the President transferring the processing to the Bureau of Customs.

### Section 3. General Provisions.

**3.1. When Allowed.** An importer may apply for Duty Drawback under the following situations:

**3.1.1.** Up to a maximum of ninety-nine percent (99%) of the duty imposed by law, for all fuel imported into the Philippines used for propulsion of:

- a. Sea vessel engaged in international trade;
- b. Sea vessel engaged in coastwise trade, provided that the Maritime Industry Authority (MARINA) or any appropriate government agency has authorized the temporary conversion of that vessel to engage in international trade; and

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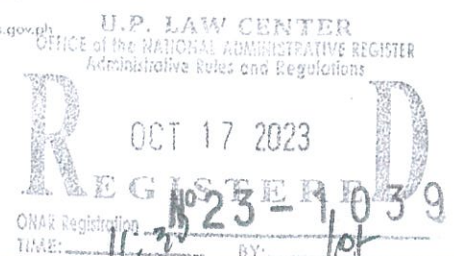
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Administrative Officer V

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c. Scheduled flights of international airlines.<sup>1</sup>

**3.1.2.** Up to a maximum of fifty percent (50%) of the duty imposed by law for petroleum oils and oils obtained from bituminous materials, crude oil imported by non-electric utilities, sold directly or indirectly, in the same form or after processing, to electric utilities for the generation of electric power and for the manufacture of city gas.<sup>2</sup>

**3.1.3.** For imported materials including the imported articles used in the packing, packaging, covering, putting up, marking or labeling, in whole or in part, for which duties have been paid, upon exportation of the goods manufactured or produced, subject to the following conditions:

- a. The actual use of the imported materials in the production or manufacture of the goods exported with their quantity, value, and amount of duties paid thereon, should be established satisfactorily;
- b. The duties refunded or credited shall not exceed one hundred percent (100%) of duties paid on the imported materials used provided the wastages of the imported material used is recyclable;
- c. There is no determination by the National Economic and Development Authority (NEDA) of the requirement for Certification on Non-availability of locally-produced or manufactured competitive substitutes for the imported materials used at the time of importation;
- d. The exportation shall be made within one (1) year after the importation of materials used and claim for refund or tax credit shall be filed within six (6) months from the date of exportation; and
- e. When two or more products result from the use of the same imported materials, an apportionment shall be made on its equitable basis.<sup>3</sup>

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**3.2. Prohibition against Double Claim.** A registered enterprise under Republic Act No. 5186, otherwise known as the

<sup>1</sup> cf. CAO No. 14-72, as amended by CAO No. 31-76.

<sup>2</sup> cf. CMTA, Title IX, Chapter I, Section 900 (B).

<sup>3</sup> cf. CMTA, Title IX, Chapter 1, Section 900 (C).

"Investment Incentives Act", or Republic Act No. 6135, otherwise known as the "Export Incentives Act of 1970", which has previously applied for tax credits with the Board of Investments (BOI) based on customs duties paid on imported raw materials and supplies, shall not be entitled to Duty Drawback under this section with respect to the same importation subsequently processed and re-exported.<sup>4</sup>

**3.3.** The processing of application is limited to Duty Drawback only. If internal revenue taxes like Value-Added Tax or Excise Tax are included in the filed claim for Duty Drawback in the Bureau, the same should be disallowed and the Bureau must process only the portion of customs duties paid to avoid any duplication of claim for internal revenue taxes. Claims for refund of internal revenue taxes shall be subject to the rules and regulations issued by the Bureau of Internal Revenue (BIR).

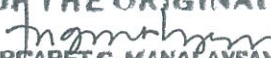
**3.4. Payment of Processing Fee.** Claims for Duty Drawback shall be processed only after payment of the required processing fee and the submission of complete documents to the Bureau. Pursuant to CAO No. 04-2019, the processing fees shall be based on the following schedule:

| Amount of Claim (Php) |                 | Processing Fees (Php) |
|-----------------------|-----------------|-----------------------|
| Up to 50,000.00       |                 | 700.00                |
| Over 50,000.00        | to 100,000.00   | 900.00                |
| Over 100,000.00       | to 200,000.00   | 1,100.00              |
| Over 200,000.00       | to 300,000.00   | 1,300.00              |
| Over 300,000.00       | to 400,000.00   | 1,500.00              |
| Over 400,000.00       | to 500,000.00   | 1,700.00              |
| Over 500,000.00       | to 750,000.00   | 2,300.00              |
| Over 750,000.00       | to 1,000,000.00 | 3,000.00              |
| Over 1,000,000.00     | to 5,000,000.00 | 4,000.00              |
| Over 5,000,000.00     |                 | 5,000.00              |

**3.5. Period to File Claim for Duty Drawback.**

**3.5.1.** A claim and application for Duty Drawback shall prescribe if it is not filed within one (1) year from the date of importation in case of Sections 3.1.1 and 3.1.2 of this Order.

**3.5.2.** For Duty Drawback under Section 3.1.3 of this Order, the claim shall be filed within six (6) months from the date

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<sup>4</sup> cf. CMTA, Title IX, Chapter 1, Section 901.

of exportation. The claimant may request an extension to file the claim for another six (6) months, Provided, That the request is made thirty (30) days before the lapse of the six-month period and the actual filing of the claim shall not exceed one (1) year from the date of exportation.

**3.5.3.** Where the Duty Drawback claim under Section 3.1.3 of this Order involves multiple importations or exportations, the prescriptive period shall be counted from the date of the first importation or first exportation, as the case may be.

**3.5.4.** The start of the prescriptive period shall be reckoned from:

- a. The date when customs duties and taxes are paid in case of importations;
- b. The date of loading in case of exports as certified by the Piers and Inspection Division (PID), Aircraft Operations Division (AOD), or Customs Container Control Division (CCCD)/ equivalent units; and
- c. The date of delivery receipt in case of constructive exports.

**3.6. Period to Process Claims.** Eligible claims for Duty Drawback shall be processed and paid or granted, within a period of sixty (60) days but not to exceed a maximum period of one hundred twenty days (120) days after receipt of properly accomplished claims and validated complete supporting documents.<sup>5</sup>

In case of multiple claims by one (1) company, priority will be given to the processing of older claims.

Processing of claims transferred from the "CENTER" shall be governed by Section 5 of this Order.

**3.7. Form of Payment of Refund.** Approved claims for Duty Drawback shall be paid in the form of Tax Credit Certificates (TCCs), unless otherwise provided for in the special provision of the General Appropriations Act (GAA).

Tax Credit Certificates issued shall have a validity period of five (5) years, subject to revalidation for an additional period of

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<sup>5</sup> cf. CMTA, Title IX, Chapter 1, Section 901.

another five (5) years, subject further to conditions as may be provided under existing rules and regulations. In no case shall the validity period of the TCC exceed ten (10) years.

**3.8. Utilization of Tax Credit Certificate (TCC).** Utilization of Tax Credit Certificate issued for Duty Drawback shall follow existing rules and regulations on utilization of TCCs.

**3.9. Notice to Post Clearance Audit Group (PCAG).** The PCAG shall be provided with a monthly summary list of all approved claims. The summary list shall contain the following details:

**3.9.1.** Name of Importer or Claimant;

**3.9.2.** Entry Number/s; and

**3.9.3.** Amount of Claim/s.


**3.10 Verification by TCC Committee.** No claims for Duty Drawback of first-time claimants shall be processed until an inspection of the company, plant and its facilities has been conducted by the Bureau to establish that there was local manufacturing or processing from the imported raw materials to the exported products. Inspection of the company, plant and its facilities may also be conducted even on already existing claimants, if necessary. The TCC Committee shall recommend to the Commissioner of Customs the creation of a task group to conduct the inspection.

#### **Section 4. Operational Procedures.**

##### **4.1. Documentary Requirements.**

**4.1.1. One-time Submission.** The following documents are required to be submitted by the Claimant during its first application for Duty Drawback:

- a. Securities and Exchange Commission (SEC) or Department of Trade and Industry (DTI) Registration Certificate;
- b. Board Resolution/Notarized Secretary's Certificate granting authority to specific individuals to process the claim for Duty Drawback;
- c. List of authorized signatories and their specimen signatures; and
- d. Latest Formula of Conversion issued by the Industrial Technology Development Institute (ITDI), Department of Science and Technology (DOST).

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**4.1.2. Submission per Application.** Every application for Duty Drawback shall be supported by the following:

a. Duty Drawback claims under section 3.1.1 of this Order

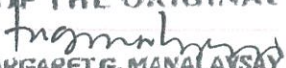
- i. Latest Formula of Conversion using the Industrial Technology Development Institute (ITDI) rate issued by Department of Science and Technology (DOST);
- ii. Certificate of Non-Availment of Incentives under Republic Act No. 5186 or Republic Act No. 6135 issued by the concerned office of the Board of Investments, with respect to the goods subject of the claim for Duty Drawback;
- iii. Proof of importation which applies whether or not the claimant is the importer:

1. Goods Declaration (SAD/SSDT);
2. Bill of Lading;
3. Commercial Invoice; and
4. In case where the importer is not the claimant, a Certification attesting that the importer is waiving its right to claim for Duty Drawback in favor of the claimant.

iv. Proof of exportation:

1. Official Receipt, Credit Memo or any other verified proof of remittance if the payment is thru bank transfers;
2. Purchase Order and Delivery Receipt;
3. Shipment Information Sheet to be filled out by the importer-exporter attested by the CIIS-Field Office at the port of exportation "Annex B";
4. Bunkering Permit and Customs Inspector Certification for international vessels or Airline Certification for international airlines;
5. Schedule of Deliveries to International Airlines;
6. Boat Note or Certificate of Inspection and Loading (CIL) for scheduled flights of international airlines; and
7. Computation Table Using Regular Scheme.

v. Proof of payment of processing fee.

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b. For Duty Drawback claims under Section 3.1.2. of this Order

- i. Latest Formula of Conversion using the Industrial Technology Development Institute (ITDI) rate issued by Department of Science and Technology (DOST);
- ii. Certificate of Non-Availment of Incentives under Republic Act No. 5186 or Republic Act No. 6135 issued by the concerned office of the Board of Investments, with respect to the goods subject of the claim for Duty Drawback;
- iii. Proof of importation which applies whether or not the claimant is the importer:
  1. Goods Declaration (SAD/SSDT);
  2. Bill of Lading;
  3. Commercial Invoice; and
  4. In case where the importer is not the claimant, a Certification attesting that importer is waiving its right to claim for Duty Drawback in favor of the claimant.

iv. Proof of exportation:

1. Export Declaration;
2. Export Bill of Lading;
3. Export Invoice;
4. Purchase Invoice and Delivery Receipt;
5. Official Receipt, Credit Memo or any other verified proof of remittance if the payment is thru bank transfers;
6. Schedule of Fuel Oil Purchases of Electric Utilities;
7. Shipment Information Sheet to be filled out by the importer-exporter attested by the CIIS-Field Office at the port of exportation "Annex B"; and
8. Computation Table Using Regular Scheme.

v. Proof of payment of processing fee.

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c. For Duty Drawback under Section 3.1.3 of this Order:

i. Latest Formula of Conversion using the Industrial Technology Development Institute (ITDI) rate issued by Department of Science and Technology (DOST);

ii. Proof of importation which applies whether or not the claimant is the importer:

1. Goods Declaration (SAD/SSDT);
2. Bill of Lading;
3. Commercial Invoice; and
4. Load Port Survey Report (LPSR) or Discharge Port Survey Report (DPSR) for bulk and break-bulk shipments, if applicable.

iii. Proof of exportation:

1. Sales Invoices or Delivery Receipt, in case of constructive exports;
2. Shipment Information Sheet to be filled out by the importer-exporter attested by the CIIS-Field Office at the port of exportation "Annex B";
3. Official Receipt, Credit Memo or any other verified proof of remittance if the payment is thru bank transfers;
4. Computation Table Using Regular Scheme; and
5. Schedule of Export or Schedule of Sales or Purchases for direct and indirect exports;


#### 4.2. Filing and Processing of Applications.

4.2.1. All claims for Duty Drawback shall be filed with the Tax Credit Committee (TCC), attention: TCC Secretariat. Prior to the filing of the application for Duty Drawback, the claimant or the authorized representative shall create a ticket in the Customer Care Portal System (CCPS) by selecting TCC Secretariat in the drop-down menu for the "department" field in the CCPS and upload the following initial documents:

a. Duly accomplished and notarized Application Form for Duty Drawback;

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- b. Securities and Exchange Commission (SEC) or Department of Trade and Industry (DTI) Registration Certificate;
  - c. Board Resolution/Notarized Secretary's Certificate granting authority to specific individuals to process the claim for Duty Drawback and their respective specimen signatures;
  - d. Latest Formula of Conversion using the Industrial Technology Development Institute (ITDI) rate issued by Department of Science and Technology (DOST);
  - e. Certificate of Non-Availment of Incentives under Republic Act No. 5186, otherwise known as the "Investment Incentives Act", or Republic Act No. 6135, otherwise known as the "Export Incentives Act of 1970" issued by the concerned office of the Board of Investments, with respect to the goods subject of the claim for Duty Drawback;
  - f. Proof of payment of processing fee; and
  - g. Certification from the concerned Port signed by the Chief, Export Division/Unit or equivalent office validating the export documents submitted with the application following the prescribed format in "Annex A".
- 4.2.2. Within twenty-four (24) hours from the creation of the ticket, the claimant or the authorized representative must submit the hard copies of the documents uploaded in the ticket and those enumerated under Section 4.1.2 of this Order with the Customer Care Center located at Gate 3, South Harbor, Port Area, Manila.
- 4.2.3. Upon receipt of the hard copies, the CCC shall immediately transmit the submitted documents to the TCC Secretariat who shall inform the claimant through the ticket that the documents have been received. The TCC Secretariat shall assign a specific docket number to the claim. The Head Secretariat shall then assign a Customs officer, who will review the completeness of the documentary documents enumerated in Section 4.1.2 of this Order.

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**4.2.4.** In addition to Section 4.2.3 above, the TCC Secretariat shall also conduct the following:

- a. Verification that all duties subject of the claim were duly paid and remitted to the Bureau of Treasury (BTr);
- b. Verification that the claimant has not previously applied for refund of Duty Drawback based on customs duties paid on imported raw materials and supplies which were subsequently processed and re-exported. Verification shall also include if the direct importer-seller of raw materials utilized by the BOI-registered claimant has also filed a claim for Duty Drawback with the BOI or other concerned agency.
- c. Ensure that claimant has no outstanding obligation as certified by the Collection Service, RCMG. In cases where the claimant has an outstanding obligation as certified by the Collection Service, the claimant must settle all their outstanding obligation before approval of the claim.
- d. Compute the amount of the refund equivalent to the actual duties paid on the raw materials actually exported using the latest ITDI formula rate of conversion to arrive at actual material usage tally.

The computation of the Duty Drawback shall be based on the following:

- i. **Determination of the export quantity.** The allowable export quantity shall be based on verified export documents, less disallowances due to prescriptive periods and timing difference.
- ii. **Determination of the quantity of raw materials used in the export product.** The quantity used in the export product shall be computed based on the ITDI Formula of Conversion and shall not exceed the quantity of raw materials imported, which shall be based on verified import documents, less the quantity of raw materials disallowances due to prescriptive periods and timing difference.

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iii. **Computation for the amount of refund.** The amount of Duty Drawback shall be determined by first computing the duty paid for every raw material unit and multiplying this factor with the total quantity of the raw material used for the export quantity, as determined above.

4.2.5. The TCC Secretariat shall prepare the Evaluation Report/Disposition Form reflecting the result of the documents check and the amount due for refund and the TCC Resolution for signature of the Tax Credit Committee members recommending the approval/disapproval of the claim to the Commissioner of Customs.

4.2.6. The existing procedures on the issuance of Tax Credit Certificate shall apply.

4.2.7. Responsible Customs Officers shall ensure that the CCPS Ticket are properly transferred and assigned to ensure monitoring of the claim. The ticket will be closed only upon receipt by the claimant of the TCC issued evidencing payment by the Bureau of the amount claimed as refund.

**Section 5. Special Procedure for Claims Coming from the "CENTER".** All claims previously filed with the "CENTER" and referred to the Bureau pursuant to A.O. No. 04, s. 2023 shall be processed as follows:

5.1. The TCC Secretariat shall cause the publication of the list of all pending claims received by the Bureau from the "CENTER" and a request for confirmation from the claimants of their intention to pursue their application for Duty Drawback to be sent to the TCC Secretariat through its email address at [tccsecretariat@customs.gov.ph](mailto:tccsecretariat@customs.gov.ph). If no intention or representation was received by the TCC Secretariat within sixty (60) days from posting in the websites of both the BOC and the DOF, the application will be archived for one (1) year.

After the lapse of one (1) year, all archived claims shall be deemed denied. Provided that the same shall be posted in the BOC and the DOF official website for the entire year. Provided further, that the TCC Committee shall recommend to the Commissioner for the formal issuance of an Order denying the claim;

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5.2. All claims for Duty Drawback shall be dismissed outright if without proof of payment of filing fees pursuant to the schedule of fees provided under Item VI(D)(1) of the DOF Drawback Manual;

5.3. Claimants who confirmed their intention to pursue their application but with incomplete supporting documents at the time of the filing shall be required to submit the lacking documents within thirty (30) days from posting of the notice to comply in the BOC and DOF websites, otherwise, their claim shall be denied. Claimants who signified their intention to pursue their application must submit their updated business information such as changes in their business address, change of signatories, change in business name or status, etc., to the TCC Secretariat.

Falsification of any of the supporting documents shall be a ground for denial of the claim without prejudice to the filing of a criminal case as may be allowed under existing laws and regulation;

5.4. Processing of confirmed claims shall be prioritized in accordance with the date of receipt by the DOF of the application for drawback and Claimant's name arranged in alphabetical order, provided the complete documentary requirement are complied upon review by the Bureau;

5.5. Confirmed claims with complete documentary requirements which have already been verified by the "CENTER" shall be deemed validated by the Bureau unless derogatory information against the claim is received by the TCC Secretariat or there is strong evidence that the claim is attendant with fraud; and

5.6. Confirmed claims which are not yet fully verified by the "CENTER" or where the same are inconsistent with the records shall be processed in accordance with Section 4.2. of this Order.

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**Section 6. Processing of Pending Claims Originally Filed in the Ports.** All claims for Duty Drawback after the issuance of AO No. 4, s. 2023 which were originally filed and pending at the ports shall be forwarded to the TCC Secretariat within fifteen (15) days from the effectivity of this Order for the continuation of the processing thereof. Claims forwarded to the TCC Secretariat shall be docketed accordingly, provided that, the original docket number given by ports shall be retained for reference purposes.

**Section 7. Allocation of Manpower.** The Chairman, TCC Committee may recommend to the Commissioner of Customs the assignment of additional personnel to the Secretariat to ensure that it has sufficient resources for the processing of claims for Duty Drawback within the timeframe given.

**Section 8. Remedies of Claimant.** The claimant may file a Motion for Reconsideration on the denial of his claim for Duty Drawback with the TCC Committee within ten (10) days from the date of the receipt of the denial. The Commissioner shall render a decision within thirty (30) days from the receipt of the appeal and all the necessary documents. The claimant may also appeal to the Court of Tax Appeals (CTA) the denial of his claim by the Commissioner within thirty (30) days from receipt of the decision of denial.<sup>14</sup>

**Section 9. Separability Clause.** If any part of this Order is declared unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force and effect.

**Section 10. Effectivity.** This Order shall take effect on 01 NOV 2023.

The Office of National Administrative Register of the UP Law Center shall be provided three (3) certified copies of this Order.

BIENVENIDO Y. RUBIO  
Commissioner



OCT 12 2023

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<sup>14</sup> cf. CMTA, Title IX, Chapter 2, Section 913.

**ANNEX "A"**

BUREAU OF CUSTOMS  
PORT OF \_\_\_\_\_  
EXPORT DIVISION

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Control Number – \_\_\_\_\_  
(Port/Sequence number/Year)

**CERTIFICATION**

THIS IS TO CERTIFY THAT the following documents submitted by, (Name of Claimant), with Tax Identification Number \_\_\_\_\_ and with office address at \_\_\_\_\_ is authentic based on the available documents on file with this office:

1. Export Declaration
2. Bill of Lading/Airway Bill
3. Cargo Manifest/Packing list, if applicable
4. Certificate of Exportation
5. Shipment Information Sheet (SIS) to be filled out by the importer-exporter attested by the CIIS-Field Office

Issued this \_\_\_\_\_ day of \_\_\_\_\_ 2023 upon request of \_\_\_\_\_ for DUTY DRAWBACK PURPOSES pursuant to CAO No. 04-2019.

\_\_\_\_\_  
Chief, Export Division

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ANNEX "B" *p15 hmb*

**SHIPMENT INFORMATION SLIP FOR DRAWBACK CLAIMS**  
(Pursuant to CMO No. \_\_ - 2023)

Ref. No. : \_\_\_\_\_

EXPORTER : \_\_\_\_\_

ADDRESS : \_\_\_\_\_

**IMPORTATION DETAILS:**

Import Entry No./s : \_\_\_\_\_

Consignee : \_\_\_\_\_

Date of Payment of Duties : \_\_\_\_\_

Description of Goods : \_\_\_\_\_

Quantity (per item) : \_\_\_\_\_

Present Location of Shipment : \_\_\_\_\_

**EXPORT DETAILS :**

Customer Name (Importer Abroad) : \_\_\_\_\_

Description of Goods : \_\_\_\_\_

Quantity : \_\_\_\_\_

Destination : \_\_\_\_\_

Carrying Vessel : \_\_\_\_\_

Date of Departure : \_\_\_\_\_

Container Size and Number : \_\_\_\_\_

Date Received at Terminal : \_\_\_\_\_

Contact Person & Tel. No. : \_\_\_\_\_

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**FORMULA OF CONVERSION**  
(ITDI-FOC No./s \_\_\_\_\_)**MASTER COPY**  
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| PRODUCT DESCRIPTION | RAW MATERIALS | Unit of Measure<br>UoM | Usage | Finished |
|---------------------|---------------|------------------------|-------|----------|
|                     |               |                        |       |          |
|                     |               |                        |       |          |
|                     |               |                        |       |          |

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**AUTHORIZED SIGNATURE**

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