

MODIFYING THE RATES OF IMPORT DUTY ON CERTAIN IMPORTED ARTICLES UNDER SECTION 104 OF THE TARIFF AND CUSTOMS CODE OF 1978 AS AMENDED, IN ORDER TO IMPLEMENT SECTION 109 OF REPUBLI...

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WHEREAS, the government needs to provide interim tariff adjustments to the agriculture and fisheries sectors to promote and foster their efficiency and global competitiveness;

WHEREAS, Section 109 of Republic Act No. 8435, otherwise known as the "Agriculture and Fisheries Modernization Act of 1997" provides that all enterprises engaged in agriculture and fisheries as duly certified by the Department of Agriculture, in consultation with the Department of Finance and Board of Investments shall, for five (5) years after the effectivity of said Act, be exempt from payment of tariff duties for the importation of all types of agriculture and fishery inputs, Machinery, and equipment provided, however, that the imported agriculture and fishery inputs, equipment and machinery shall be for the exclusive use of the importing enterprise;

WHEREAS, the aforesaid tariff exemption is implemented by Executive Order (EO) No. 133 series of 1999, and its annexes.

WHEREAS, Section 4 of EO 133 provides that the Department of Agriculture, Department of Finance, and the Board of Investments, in consultation with the concerned private sector and other government institutions, shall conduct an annual review of the annexes thereof, and shall recommend to the President possible amendments thereto.

WHEREAS, Sections 104 and 401 of the Tariff and Customs Code of 1978 (Presidential Decree No. 1464), as amended, empower the President of the Republic of the Philippines, upon the recommendation of the National Economic and Development Authority, to increase, reduce, or remove existing protective rates of import duty, as well as to modify the form of duty.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Sections 1 and 6 of Rule VII and Section 2 of Rule VIII of Annex "A" of EO 133 shall be amended by replacing the Economic Investigation and Intelligence Bureau (EIIB) with the Bureau of Customs (BOC).

SECTION 2. The articles specifically listed in Annex "B"[1] hereof, classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be accorded zero percent (0%) duty up to 08 February 2003. However, the rules and regulations outlined in Annex "A" of EO 133, as amended, in the importation of articles under this list shall not apply, including the requirement for certificate of eligibility or accreditation.

SECTION 3. The articles specifically listed in Annex "C"[2] hereof, classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be accorded zero percent (0%) duty up to 08 February 2003, provided that the importation of said articles shall be accompanied by a certificate of eligibility or accreditation duly issued by the Department of Agriculture and shall be subject to the rules and regulations outlined in Annex "A" of EO

133, as amended.

SECTION 4. The rules and regulations in the tariff-exempt importation of articles listed in Annex "C" shall be in accordance with and as outlined in Annex "A" of EO 133, as amended.

SECTION 5. Upon the effectivity of this Executive Order, the above-mentioned articles, which are entered and withdrawn from warehouses in the Philippines shall be levied the rates of duty herein prescribed.

SECTION 6. All Presidential issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby revoked or modified accordingly.

SECTION 7. This Executive Order shall take effect immediately following its complete publication in two newspapers of general circulation in the Philippines.

Adopted: 23 Sept. 2002

BY THE PRESIDENT:

(SGD.) ALBERTO G. ROMULO
Executive Secretary

[1] Text Available at Office of the National Administrative Register, U.P. Law Center, Diliman, Quezon City.

[2] Text Available at Office of the National Administrative Register, U.P. Law Center, Diliman, Quezon City.

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