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GUIDELINES FOR IMPLEMENTING MEMORANDUM ORDER NO. 95 DIRECTING THE CENTRAL BANK AND THE BUREAU OF CUSTOMS TO IMPLEMENT SECTION 23 (10) OF REPUBLIC ACT NO. 7607 (MAGNA CARTA OF SM...

DOA ADMINISTRATIVE ORDER NO. 23, s. 1993, October 04, 1993

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In accordance with Memo Order No. 95 issued on 27 February 1993, directing the Department of Agriculture (DA), Central Bank (CB) and Bureau of Customs (BOC) to draw up the mechanism to ensure compliance therewith, the following guidelines are hereby promulgated:

1. Importation of the commodities listed in Annex 1* hereof are prohibited under Memorandum Order No. 95, in pursuance of Section 23 (10) of Republic Act (RA) 7607.

2. Live cattle, beef and beef products are excluded from the coverage of this Memorandum Order.

3. Only upon certification by the DA of an actual or anticipated shortage in the local production of the products listed in Annex 1* will the importation of these products be allowed. Such certification will specify the maximum volume allowed to be imported.

The importation of items which are enumerated in page 1 of Annex 1* but which are to be used in the manufacture of food products or for feeding game animals will be allowed provided that: (a) an authorization to import is obtained from the DA prior to importation; (b) importations are made by end-users; and (c) importations are not diverted to other uses other than that for which the authorization was given.

4. For corn and corn substitutes, the arrival of importations must be within a specified period of time after the DA certifies an actual or anticipated shortage in the local production of corn (usually 90 days or as may be prescribed by DA). The DA is expected to announce the volume to be imported on or before February 27 annually (until this Administrative Order is amended). The arrival of the importation should not be later than May 31 of the same year.

5. Applications for L/Cs or other modes of payment for the following items must be accompanied by an import clearance or permit from the DA and/or DA's concerned agencies as a pre-requisite:

Commodities

Concerned Agencies

a. Corn and its of the substitutes

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Office Secretary, DA

b. Live poultry

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Bureau of Animal Industry (BAI)

c. Poultry meat and meat products

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National Meat Inspection Commission (NMIC)

d. Live hogs

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BAI

e. Pork and Pork products

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NMIC

The DA shall officially provide BOC a copy of the list of accredited importers and their allocations. Permits issued to importers shall likewise be transmitted to BOC.

6. Only end-users shall be allowed to import. The volume of importation shall be allocated as follows:

For corn and corn substitutes:

a. Eighty percent of the total volume to be imported shall be alloted to the large feedmillers, livestock raisers, or integrators, and food manufacturers.

b. The remaining 20% shall be allotted to the small and medium scale users.

For livestock and poultry animals (for slaughter) and meat:

a. Eighty percent of the volume of products or number of animals will go to large scale livestock producers, integrators or meat processors.

b. The remaining 20% will go to the small scale producers or meat processors.

In case the allocation for a category of users is not availed of by such users within the first 30 days after the DA announces the volume allowed for importation, the other category of users may avail of the unused allocation.

7. In the case of swine and poultry animals/meat, release of these goods shall be subject to inspection by DA or its authorized and with veterinary standard as well.

In the case of corn substitutes such as wheat, barley, rye and oats, a Societe Generale de Surveillance (SGS) CLEAN REPORT OF FINDINGS shall be the basis for the BOC to assess the appropriate customs duties.

The BOC shall include in its monitoring the timing of arrival of importations as indicated in the import authority previously issued by the DA.

The port of origin and point of discharge of products to be imported shall likewise be indicated in the import authority. The BOC should be notified in advance of any deviation in the port of discharge.

The BOC shall submit monthly reports to the DA on the status of the utilization of the authorized volume of

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importation.

8. Consultations will be undertaken periodically by the DA with concerned farmer groups, livestock raisers and other affected sectors on these importation guidelines.

9. Any person violating the provisions of this Administrative Order shall be subject to appropriate sanctions under existing penal provisions of the DA and its attached agencies, CB, and BOC. Administrative sanctions may also be imposed by the CB upon banking institutions found violating this Order including their directors and officers responsible for such violations.

10. In order to implement the import regulation of the items listed in Annex 1*, the CB shall cause the issuance of an appropriate memorandum to all authorized agent banks (AAB) and all concerned.

The BOC shall likewise issue a Memorandum on the guidelines for importation of the said items.

11. The Administrative Order shall supersede previously issued rules and regulations for the products covered by this Administrative Order.

12. This Order shall take effect immediately after publication in a newspaper of general circulation.

Adopted: 4 Oct. 1993

(Sgd.) ROBERTO S. SEBASTIAN
Secretary

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* Text available upon request at the Office of the National Administrative Register (ONAR), U.P. Law Center, Diliman, Quezon City

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