

AMENDMENT TO SRA SUGAR ORDER NO. 12, SERIES OF 1987-88, DATED 02 JUNE 1988

SRA ORDER NO. 3, October 15, 1998

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WHEREAS, there is a need to amend certain provisions of Sugar Order No. 12, Series of 1987-1988, dated 02 June 1988 concerning procedures and/or requirements for monitoring coastwise movement of sugar to curb, if not eliminate the illegal entry of imported sugar;

NOW, THEREFORE, under and by virtue of the authority vested in the Sugar Regulatory Administration (SRA), it is hereby ordered that:

SECTION 1. Section 4 of the aforementioned Sugar Order No. 12, supra, shall be amended to read as follows.

"SECTION 4. Officials in-charge of the PCRO, SRED regional and offices in Quezon City, Bacolod City, Iloilo City and Cebu City and the Sugar Production Control and Regulation Officers (SPCROs) assigned to CRYSTAL SUGAR, BUSCO, SEASUMCO, OSCO, HISUMCO, H. TEVES, URSUMCO, CAB and such other officers as maybe so named, are hereby authorized to issue the permits required in Section 1 hereof (revised shipping permit form attached), in their respective jurisdiction/area of assignment.

The shipping permit, in printed form with one or more security features and stub, pre-numbered serially as accountable form, shall indicate therein the following: (a) port of origin, (b) port of destination, (c) name of vessel/barge or registry number of aircraft to include EDD and EDA and ETD and ETA, (d) kind of sugar (raw, refined, washed, etc.), (e) origin (if imported, date and Control No. (CN) of SRA clearance, (f) marking of bags, (g) quantity in Lkg or bulk, (h) name and address of shipper, (i) name and address of consignee, (j) official receipt number, (k) amount paid, (l) distribution of copies and (m) signature over printed name of approving officer.

The following notes shall be included in the said shipping permit for strict compliance of the parties concerned:

1. Any erasure/alteration shall render this permit invalid.
2. This permit is valid for one — time shipment only and
3. Expiry date of this permit is 15 days after EDD/ETD.

The shipper shall be required to submit under oath a letter of application only for shipment below 1,0001 LKg. For shipment of 1,001 Lkg. and above, the trader shall submit under oath a letter of application and an affidavit of notification for the permit, indicating the above-stated information and his concurrence to have the same verified by the authorized SRA official whenever necessary. For imported sugar, the shipper shall also attach a copy of the clearance for release issued by the SRA. The shipper shall, likewise, be responsible for the distribution of duly approved shipping permit copies to the shipping line, Coast Guard, Philippine Ports Authority and the Bureau of Customs.

The shipper shall re-apply for another shipping permit for a batch or shipment of sugar previously or already

covered by an approved shipping permit, with all the necessary documents attached with the application, under the following circumstances:

1. Failure of the shipping line to ship or the shipper to deliver the whole batch of sugar within a 15-day period with reckoning to start from the EDD of the previous shipping permit and
2. In case of a "shut-off", the shipper shall procure another shipping permit for the balance of sugar which was not loaded.

Both cases require the submission of a certification from the shipping line regarding its failure to ship the whole batch of sugar or a portion thereof. If shipper is the one who defaults, he or she shall bear the burden of issuing a certification.

The fees to be charged for the issuance of said permits shall be based on Sec. 5 (b) of General Administrative Order No. 1 dated October 12, 1994, however, a flat rate of one hundred pesos (P 100.00) shall be the cost of re-application for a shipping permit due to the above-mentioned circumstances. Collection and remittance of fees therefrom shall be subject to audit by the Commission on Audit (COA) for fees of this nature are considered as government funds."

SECTION 2. Section 5 of Sugar Order No. 12, supra, shall be amended to read as follows:

"SECTION 5. The SRA officers authorized under Section 4 hereof shall transmit daily to the office of the Administrator through SRED-Q.C. the permits to ship sugar within Philippine territory through FAX or any fast means of communication available.

A monthly report of shipping permit issuances and shipping permit fee remittances shall be submitted to PCRO, Quezon City, through SRED-Q.C. by the said SRA officers."

SECTION 3. A manual of shipping permit issuances and remittances of fees collected therefrom shall be prepared, packaged and printed and disseminated to all persons/agencies concerned for strict implementation and to serve as implementing guidelines for this Order.

SECTION 4. Other provisions of Sugar Order No. 12, supra, shall remain in full force and effect.

SECTION 5. This Sugar Order shall take effect immediately with a reminder that the shipping permit authorized the coastwise shipment of sugar within and not into the Philippine Territory.

SECTION 6. Provisions of Sugar Orders, Circular Letters, rules and regulations contrary to or inconsistent with this Order are hereby revoked, amended or modified accordingly.

Adopted: 15 Oct. 1998

(SGD.) NICOLAS A. ALONSO
Administrator

"Attachment"

SRA Sugar Order No. 12

To Monitor Coastwise Movement of Sugar

WHEREAS, illegal entry of sugar into the Philippines is detrimental to the sugar industry and the national interest;

WHEREAS, the seizure by the Bureau of Customs of refined sugar illegally entered into the Philippines confirms

unofficial reports that substantial quantities of foreign produced sugar have been smuggled into the Philippines;

WHEREAS, there is a need to adopt such measures as may be necessary to prevent, if not eliminate, the illegal entry of sugar;

NOW, THEREFORE, pursuant to the powers vested in the Sugar Regulatory Administration, it is hereby ordered that:

SECTION 1. The loading of sugar for shipment on board coastwise vessels or aircrafts from one island to another within the territorial jurisdiction of the Republic of the Philippines may be made by any person or entity duly authorized to engage in the merchandising and trading of sugar in the Philippines, provided, that any shipment of sugar exceeding two thousand five hundred (2,500) kilos per shipper per vessel or aircraft, whether in bags or in bulk, shall, in addition to the usual shipping documents, be covered by a permit issued by the Sugar Regulatory Administration (Annex "A"), such permit to be presented/submitted to the shipping company concerned at the port of departure/loading. A copy of the SRA permit shall be attached to and form part of the corresponding bill of lading/coasting manifest and shall be shown by the shipper or carrier to the customs authorities/coast guard when required to do so during the course of shipment. Upon arrival of the sugar shipped at the port of destination, such permit shall be shown to the customs authorities. Thereafter, such permit shall form part of the records of the shipping company.

SECTION 2. The permit shall be evidence of the origin of the sugar and failure to obtain such permit and to present same to the Coast Guard and/or Bureau of Customs shall be prima facie evidence that the sugar has entered illegally into the Philippines and subject to such legal action as may be authorized under the Tariff and Customs Code.

SECTION 3. The foregoing sections shall not apply to the movement/shipment of "A" or export sugar from the warehouses of sugar centrals/mills companies to a bulk terminal in another island for the purpose of shipping the same thru that terminal to the United States and/or the world market, these shipments being covered by clearances issued by the Sugar Regulatory Administration.

SECTION 4. Regional Regulation Officers in charge of the regional offices of the Sugar Regulatory Administration in Bacolod City, Iloilo City and Cebu City and the Mill District Regulation Officers assigned to NOCOSII, BUSCO and DASUCECO and the Regional Regulation Officers in Luzon and Quezon City and such other officers as may be so named, are hereby authorized to issue the permits required in Section 1 hereof. The shipping permit, in printed/mimeographed form, serially numbered as accountable forms, shall indicate therein the following: (a) name of shipper, (b) name of vessel or registry number of aircraft, (c) quantity in kilos in bags or bulk, (d) port of destination and (e) consignee. The shipper shall be required to submit an application for the permit, indicating the above-stated information.

SECTION 5. The Officers authorized under Section 4 hereof shall submit to the Chairman/Administrator, SRA Quezon City, weekly report on (a) permits issued by him and (b) the loading and unloading of sugar in ports within their respective jurisdiction/area of assignment, indicating name of vessel and/or barge, shipper and consignee, port of loading and destination. The report shall be sent via SRA radio stations and/or telegrams or by the fastest means of communication on a weekly basis even when no permit has been issued and/or no movement of sugar has been made.

SECTION 6. Provisions of sugar orders, circulars, rules and regulations contrary to or inconsistent herewith are hereby revoked, amended or modified accordingly.

SECTION 7. This Order takes effect immediately.

Adopted: 2 June 1998

(SGD.) ARSENIO B. YULO, JR.

Chairman/Administrator

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