

AMENDMENT OF SECTION 12, ARTICLE V, OF THE AMENDED RULES AND REGULATION GOVERNING THE EXPORTATION AND IMPORTATION OF LEAF TOBACCO AND TOBACCO PRODUCTS, AS AMENDED BY MEMORANDUM ...

NTA MEMORANDUM CIRCULAR NO. 004, S. 2013, November 14, 2013

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WHEREAS, Executive Order No. 245, S. 1987, vested the National Tobacco Administration (NTA) with the power to promulgate and enforce rules and regulations on the production, standardization, classification, grading and trading, including the exportation and importation, of tobacco and tobacco products, as may be necessary to attain its purposes and objectives and to pursue the policy of the government on tobacco;

WHEREAS, Resolution No. 050-2004, dated 25 March 2004, the NTA Board of Directors approved the Rules and Regulations Governing the Exportation and Importations of Leaf tobacco and tobacco Products and granted the NTA Management the authority to negotiate with the concerned exporters and importers the fees to be imposed thereon;

WHEREAS, Administrative Order No. 31, Series of 2012 with the subject: DIRECTING AND AUTHORIZING ALL HEADS OF DEPARTMENTS, BUREAUS, COMMISSIONS, AGENCIES, OFFICES AND INSTRUMENTALITIES OF THE NATIONAL GOVERNMENT, INCLUDING GOVERNMENT-OWNED AND/OR -CONTROLLED CORPORATIONS (GOCCs), TO RATIONALIZE THE RATES OF THEIR FEES AND CHARGES, INCREASE THEIR EXISTING RATES AND IMPOSE NEW FEES AND CHARGES which specifically requires, among others, that the evaluation of new increased fees and charges needs to be coordinated with the stakeholders to ensure that the rates are just and reasonable;

WHEREAS, in the series of consultation that had been conducted, the stakeholders of the Philippine tobacco industry had appealed for the rationalization of fees and, thereto, the categorization of imported tobacco products for importations; and, whereas, finally, it is also deemed proper and timely that the said categorization of imported tobacco importation and corresponding revision of regulation/ monitoring/supervision fees be implemented immediately, for the benefit of all concerned;

NOW, THEREFORE, for and in consideration of the foregoing premises and by virtue of the powers conferred into the NTA, the following amendments to Section 12, Article V of the Amended Export/Import Rules and Regulations, are hereby adopted for the guidance and compliance of all concerned, to wit:

Section 1. Section 12, Article V of the Export/Import Rules and Regulations, amended by Memorandum Circular No. 002, Series of 2010, is hereby further amended to read as follows:

“SECTION 12. Monitoring, Regulation, Supervision and/or Evaluation of the Commodity. - The importer of tobacco products shall inform the NTA of the expected departure/arrival of the subject commodity and the scheduled date of inspection by the BOC.

An NTA Tobacco Inspector shall be assigned to inspect the commodity together with the designated Customs officials to determine whether the commodity conforms with the description indicated in the import documents

in which a reasonable monitoring, regulation, supervision and/or evaluation fee shall be collected based on the categorization of imported tobacco products for importation on a per pack/piece/pouch/roll/can/case or net kilogram basis, as the case may be.

For this purpose, the following monitoring, regulation, supervision and/or evaluation fee for imported tobacco products shall be imposed:

“A. Manufactured Products

1. Cigarettes (Per Case)

xxx

c. Importations P 25.00”

SECTION 3. Separability Clause. - If any provision of these rules and regulations is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 4. Miscellaneous Provision. - All issuances, circulars, orders or agreements inconsistent herewith are hereby repealed or amended accordingly.

SECTION 5. Effectivity Clause. - This Memorandum Circular shall take effect on 01 January 2014. The foregoing shall be published in a newspaper of general circulation and filed with the Office of the National Administrative Register (ONAR) not later than December 15, 2013.

For the guidance and compliance of all concerned.

APPROVED UNDER NTA BOARD RESOLUTION NO. 355-2013 DATED 14 NOVEMBER 2013.

(SGD) EDGARDO D. ZARAGOZA
Administrator and Vice-Chairman
NTA Governing Board

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