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CLARIFICATORY INFORMATION RELATIVE TO THE SPECIAL PRIVILEGE OF RETURNING OCWS

POEA MEMORANDUM CIRCULAR NO. 37 s. 1990, September 20, 1991

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In connection with the implementation of Memorandum Order No. 32-90 issued by the Bureau of Customs last 16 April 1990, the Administration deems it proper to inform the public, particularly our overseas contract workers and Filipino citizens living abroad, the effects thereof in connection with the privilege enjoined by balikbayans to bring home appliances and other items.

The customs order does not repeal any existing tariff and customs law/rulings relative to such privilege, but merely supplements. The so-called balikbayan boxes are only being regulated by virtue of said order, which limits their entry, quantity, value and frequency.

Enumerated hereunder are the requirements/limitations set forth:

1. Requirement for Registration — OCW who sends balikbayan boxes, shall register with the proper Philippine government official by executing an Affidavit in accordance with the prescribed format before an officer of the Philippine embassy/consulate nearest such sender's place of residence, business or employment.

2. Limitations fixed therein are as follows:

a. As to value

US$500.00

b. As to quantity/kind

b-1.

Foodstuff such as canned goods, grocery items, etc.

1 dozen of a kind

b-2.

Wearing apparel, whether used or new and clothing material not exceeding 3 yards per cut

1 dozen of a kind

b-3.

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Other household, personal effects, whether used or new

1 dozen of a kind

c. As to number of box/package

one

d.

As to frequency: One individual consignment/shipment per registered consignor/sender during a period of six (6) months;

Provided that, home appliances shall be disallowed; and provided further that, any shipment/consignment entered in violation of the limitations herein fixed shall automatically be subject to seizure proceedings, without prejudice to the cancellation/revocation of the consignor's sender's certificate of registration.

The abovementioned disallowance applies only to home appliances and other items, unaccompanied by the balikbayan/OCW considering that said items can be brought free of duty and tax, up to a maximum value of Ten Thousand Pesos, (P10,000.00). In excess of this, a 50% across the board duty shall be imposed on each one of a kind, if accompanied by the OCW or balikbayan.

Accompanied balikbayan boxes include the following:

- Those personally brought home by the OCW/balikbayan; and

- Those entered within the period of 90 days before or after the arrival of the OCW or balikbayan, which if in case of the former the recipient shall post a bond while in the latter case the OCWs passport will be presented.

Customs Memorandum ORDER NO. 32-90 aims to:

1. Enhance Philippine tradition and culture for the promotion of strong family ties through love and caring, expressed in gift-giving among the family members and relatives living abroad;

2. Protect the legitimate interest of bona fide consignors/sender and their consignees, in particular and the transacting public in general;

3. Prevent "fly-by-night" operators from victimizing innocent consignors/senders and their consignors;

4. Protect the interest of the government; and

5. Prevent and suppress smuggling and other frauds upon Customs.

For the information and guidance of all concerned.

Adopted: 1990

Date Filed: 20 September 1991

(SGD.) JOSE N. SARMIENTO
Administrator

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