PRESCRIBING GUIDELINES IMPLEMENTING EXECUTIVE ORDER NO. 243 ENTITLED “TEMPORARILY REDUCING/SUSPENDING THE RATES OF IMPORT DUTY ON FREQUENTLY USED SPARE AND REPLACEMENT PARTS FOR...

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WHEREAS, the government through Executive Order No. 243 (dated October 2, 2003) recognizes the importance of the transport service sector;

WHEREAS, E.O. No. 243 aims to mitigate the impact of the high cost of repair and maintenance of public transport vehicles through the reduction/suspension of the rates of import duty on frequently used spare and replacement part of jeepneys and buses;

WHEREAS, Section 3 of E.O. No. 243 directs the Secretary of the Department of Trade and Industry (DTI), together with the Department of Transportation and Communication (DOTC), Department of Finance (DOF), and the National Economic and Development Authority (NEDA), to issue the appropriate guidelines including the accreditation mechanism to implement the tariff privilege granted in said E.O.;

NOW, THEREFORE, pursuant to Section 3 of Executive Order No. 243, the DTI, DOTC, DOF and NEDA hereby prescribe the following guidelines for the compliance, information and guidance of all concerned:

SECTION 1. Coverage - The program shall cover the importation of frequently used spare and replacement parts by qualified Public Utility Jeepney and Public Utility Bus operator/member of Association/Cooperative at reduced tariffs in accordance with the schedule provided under EO 243 hereto attached as Annex "A"[*].

SECTION 2. Qualification - Only Public Utility Jeepney and Bus operator/member of association/cooperative accredited by the Land Transportation Franchising Regulatory Board (LTFRB) and/or Office of Transportation Cooperative (OTC) of the Department of Transportation and Communications (DOTC) and who have secured a Certificate of Authority to Import under EO 243 from the Bureau of Import Services (BIS) of the Department of Trade and Industry (DTI) qualify to import the items listed in Annex A at reduced rates.

SECTION 3. Period of Availment - The program shall be available to all qualified public utility jeepney and bus operator/member of association/cooperative for a period of six (6) months commencing from the effectivity of this Joint Administrative Order (JAO). Importations of qualified program participants arriving within the effectivity period shall enjoy the lower tariffs. Importations arriving after the six (6) months effectivity period shall be assessed the duties provided under EO 241, 262, or 264, series of 2003, whichever is applicable.

SECTION 4. Procedure and Requirement for Application - A duly notarized certification from the association/cooperative identifying the duly authorized representative/signatory on all related undertakings or transactions with the LTFRB, OTC and BIS should accompany applications to the LTFRB, OTC and BIS.

4.1 Certification from DOTC-LTFRB for transport operator/member of association and/or DOTC-Office of Transport Cooperatives (OTC) for accredited operator/member of cooperative.

Public utility jeepney and bus operator/member of association/cooperative wishing to participate in the program must secure a Certification from the LTFRB or OTC as appropriate. The Certification shall contain the following:

- Names of the member-operators
- Total number of vehicles with approved franchise
- Franchise location

The application for certification shall be processed within two (2) working days from the date of the official receipt.

4.2 Import Authority from the DTI-BIS

Qualified applicants must submit the following to DTI- Bureau of Import Services:

Initial Importation

a. Certification from the DOTC-LTFRB or DOTC-OTC
b. Copy of SEC registration (for corporations and partnerships)
c. Duly accomplished Application for Authority to Import
d. Pro-forma Invoice
e. Notarized affidavit of undertaking

For subsequent importations, the qualified applicants must submit documents (c), (d) and (e).

4.2.1 Applications for Authority to Import shall be checked for their completeness and conformity with the provisions of EO 243. In case of an incomplete application, the applicant shall be informed of the corresponding deficiencies.

4.2.2 The application shall be processed within two (2) working days from official receipt of complete documentation requirements.

4.2.3 The BIS shall inform the applicant of its decision. If approved, the BIS will issue to the applicant or its authorized representative the Authority to Import indicating the number/volume of parts that may be imported. The BIS shall keep a record of the approved importations for record and monitoring purposes.

4.3 Assessment and Release of Imported Spare Parts at the Bureau of Customs (BOC)

1. Check Certificate of Authority to Import (CAI) issued by the BIS
2. Inspect and assess goods in accordance with Annex A of EO 243
3. Furnish BIS a copy of Import Entry every fifteen (15) days

4.4 Monitoring

The BIS shall monitor the importation by accredited public utility jeepney and bus operator/member of association/cooperative to ensure that only the warranted volume of articles covered by the program are imported. The BIS shall prepare a report on the availment of the tariff privilege and submit a report to the Committee on Tariff and Related Matters.

SECTION 5. Filing Fee - The BIS shall collect a filing fee of Seven Hundred Fifty Pesos (P750.00) for each application for an Import Authority.

SECTION 6. All existing orders and/or other issuances or parts thereof inconsistent herewith, are hereby modified or revoked accordingly.

SECTION 7. This Order shall take effect fifteen (15) days after complete publication in one (1) newspaper of

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general circulation in the Philippines and shall be valid for a period of six (6) months.

Adopted: 17 Feb. 2004

(SGD.) CESAR V. PURISIMA

(SGD.) LEANDRO R. MENDOZA

Secretary, DTI

Secretary, DOTC

(SGD.) JUANITA D. AMATONG

(SGD.) ROMULO L. NERI

Secretary, DOF

Director General, NEDA

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

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