

AMENDING CAO NO. 2-79 DATED 19 JUNE 1979, CAO NO. 5-80 DATED 20 MAY 1980, AND CAO NO. 4-81 DATED 11 DECEMBER 1981, PROVIDING FOR THE ANNUAL/BIENNIAL RENEWAL OF THE AUTHORITY TO ...

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By authority of, and pursuant to, Section 608 in relation to Sections 1901 to 2004 of the Tariff and Customs Code of the Philippines, as amended, in order to prevent the accumulation of unliquidated entries as well as to ensure better control of the activities of Customs Bonded Warehouse (CBW) operators and faithful compliance with pertinent rules and regulations and, thereby, protect the interest of the government, CAO No. 2-79, dated 19 June 1979, is hereby amended to provide a new provision and Section 5 of both CAO No. 5-80, dated 20 May 1980, and CAO No. 4-81, dated 11 December 1981, are hereby amended as follows:

PERIOD OF AUTHORITY TO RECEIVE FOR STORAGE IMPORTED CARGOES AND RENEWAL OF AUTHORITY.

The authority to receive imported cargoes for storage in a CBW shall be for a period of one (1) year only, reckoned from the date of the Memorandum designating the warehouse as a (public/private, manufacturing, or trading warehouse) or from the date of the last renewal thereof; Provided, however, that Customs Bonded Manufacturing Warehouses (CBMW's) covered by R. A. No. 3137 shall be authorized to receive such cargoes for two (2) years.

The authority/license to operate a CBW (whether public/private, manufacturing or trading warehouse) shall likewise, unless sooner revoked or withdrawn, be for a period of one (1) year or two (2) years in the case of CBMW's covered by R.A. No. 3137 and shall be renewable annually or biannually as the case may be, subject to the following requirements, terms and conditions:

1. Application for Renewal. — The operator shall, within fifteen (15) days after December 31 following the first year anniversary of the authority/license to operate the CBW (after two (2) years in the case of CBMW covered by R.A. No. 3137) and yearly (every two years in the case of CBMW covered by R.A. No. 3137) thereafter within the same period, file with the District Collector of Customs an application for renewal of authority/ license to operate a CBW per format shown in Annex "A" hereof.

The application shall be submitted together with the inventory of raw materials, in-process and finished products as of December 31, indicating therein the age thereof, respectively. The supporting documents listed in Annex "B" hereof shall likewise be submitted with the application.

Full disclosure of the information indicated in the application form shall be required under pain of administrative and/or criminal prosecution or disapproval of the application, as may be proper.

2. No Outstanding Obligation. — No renewal of authority/license to operate a CBW shall be allowed unless upon certification/ clearance duly issued that the applicant has no outstanding obligation/liability whatsoever, whether monetary or otherwise, with the Bureau of Customs.

For this purpose, clearance shall be issued by the Chiefs of the following, respectively:

- The operating division concerned (P/P BWD, GTM BWD or M/M BWD, as the case may be);
- Warehouse Inspection Division;
- Warehouse Documentation & Records Division;
- Liquidation & Billing Division;
- Bonds Division;
- Collection Division
- Law Division;
- Legal Service;
- Customs Intelligence & Investigation Service;
- Enforcement & Security Service; and
- Collection Service.

The WDRD shall be responsible for securing the clearances from all the Divisions/Services; Provided that, all clearances shall be submitted not later than seven (7) days from notice by the WDRD. It shall be understood that a Division/Service which fails to comply within the prescribed period shall be deemed, ipso facto, to have no derogatory information/record of applicant's accountability and should the contrary be the case, the Division/Service Chief concerned shall be held solely responsible and answerable therefor.

3. Bonds and Warehousing Fees. — The applicant shall post the same kind and amount of bonds and pay the same warehousing fees required under existing rules and regulations; Provided that, the amounts and/or rates thereof may be adjusted by the Commissioner of Customs as may be proper and necessary.

4. Closure. — Failure to file an application for renewal within the prescribed period shall automatically render the CBW subject to closure proceedings under such rules and regulations that the Commissioner of Customs may prescribe.

EFFECTIVITY. — This Order shall take effect fifteen (15) days from the date of its approval by the Secretary of Finance.

(SGD.) SALVADOR M. MISON
Commissioner

APPROVED:

(SGD.) JESUS P. ESTANISLAO
Secretary of Finance

Adopted : 17 July 1990

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