

AMENDED GUIDELINES FOR THE IMPORTATION OF USED TRUCKS

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Pursuant to Executive Order No. 782 dated 13 March 1982, as amended by Executive Order No. 354 dated 29 March 1989 and Executive Order No. 361 dated 22 June 1989, the following general guidelines for the importation of used trucks are hereby issued:

SECTION 1. Basic Conditions for Importation. —

1.1 Prior authorization from the Inter-Agency Committee on Used Trucks and Engines (IAC-UTE) shall be required for all importations of used trucks.

1.2 Only the following shall be allowed for importation:

1.2.1 Used completely built-up (CBU) trucks with rated gross vehicle weight (GVW) greater than 18 tons (40,000 lbs.) of models not more than eight (8) years from the date of arrival reckoned from the date of first registration in the foreign country.

1.2.2 Used special purpose vehicles (as properly classified by the Current Import Commodity Classification Department (CICCD) of the Central Bank) such as truck-tractors, cement bulk-carriers/transit mixers; LPG carriers; fire trucks; especially fabricated trucks for logging, mining and heavy construction jobs; truck mounted cranes/crane trucks/crane lorries, US Army Surplus Trucks, Garbage Compactor and other Special Purpose Vehicles of similar type. There is no restriction on the year model of special purpose vehicle except for those types which are used to carry inflammable materials in which case the year model requirement should not more than 10 years.

1.3 Imported used trucks and other allied transport equipment shall be subject to preshipment inspection and valuation by the duly designated pre-shipment inspection company to determine compliance with the pertinent requirements specified in the covering import authority issued by the IAC-UTE.

1.4 Importations of used trucks/special purpose vehicles under any mode of payment including no-dollar importation shall be subject to the provisions of these Guidelines.

SECTION 2. Import Procedures. —

2.1 The application for importation shall be filed with the IAC Secretariat (or with the nearest DTI Regional Office), using the prescribed application form and with the processing fee payable to the DTI(c/o BIS). The duly accomplished application forms shall be submitted together with the following documents:

2.1.1 Four (4) copies of the proforma invoice indicating the following information: commodity code, quantity, unit price, total amount, terms of payment, gross vehicle weights, year model, number of wheels, type of trucks and/or brand.

2.1.2 Affidavit of undertaking executed by the company (principal) and duly authorized representative on their compliance with the conditions for importation.

2.2 The Certificate of Authority to Import issued shall be valid for a period of sixty (60) days reckoned from the date of issuance of the Certificate and cannot be extended nor renewed without prejudice to re-application should

the Import Authority expires unutilized. This import authority will be used as the basis for the importer to transact with his authorized agent bank as per Central Bank Circular 1348 dated 19 June 1992 on the mode of import arrangements (i.e. Letter of Credit (L/C); Documents against Payments (DP), Direct Remittance, Open Account (O/A) in specific cases). In the case of self-funded importation (No Dollar Imports), the Authority which is directly business with the SGS and Bureau of Customs.

2.3 Except for requests for amendment/s on the authorized importation (i.e. change in the name of supplier, commodity description, authorized agent bank, number of units, value, terms of payment) which will require prior clearance/authority from the IAC-UTE, all other importation transactions (i.e. extension of validity of L/C, issuance of release certificates upon arrival of the shipment and submission to the bank of required documents) shall be undertaken directly by the importer with his authorized agent bank.

SECTION 3. Mode of Shipment. —

3.1 The use of Philippine Flag Vessel is hereby required under P.D. 1466 dated 11 June 1978 for the following importations:

3.1.1 By government offices or instrumentalities or corporations whereby payments are made or will ultimately be made whether directly or indirectly from funds of such government offices or instrumentalities or corporations.

3.1.2 By private entities or persons who were granted loans or credit or when their obligations are guaranteed by the government or its financial institutions or when payments of the freight shall be made from the proceeds of loans, credit, or guaranteed loan or credit

3.2 The requirement on the use of Philippine Flag Vessels as prescribed under P.D. 1466 may be waived by the Philippine Shippers' Bureau (SHIPPERCON) in accordance with the instances enumerated in Section 11 of the Revised Implementing Rules and Regulations for P.D. 1466 dated 27 November 1992.

3.3 Importations funded from other sources are not covered by this provision.

SECTION 4. Penalties. —

4.1 Violation of any of the provisions of these Guidelines, and conditions imposed on import approvals, shall constitute sufficient cause for the imposition of appropriate disciplinary measure/s such as blacklisting of importer/foreign supplier, and/or suspension/revocation of the firm's import authority, as well as penalties provided under the pertinent provisions of the Tariff and Customs Code including seizure proceedings, without prejudice to other sanctions imposed under the Revised Penal Code and other laws.

SECTION 5. Review of the Guidelines. —

5.1 The IAC-UTE shall coordinate and supervise the implementation of the above Guidelines and shall continuously review pertinent policies and procedures to ensure its conformity with the existing government policies.

SECTION 6. Transitory Provisions. —

6.1 All applications received before the approval of these guidelines shall be subject to the previous guidelines.

SECTION 7. Effectivity. —

7.1 These Guidelines which supersede the guidelines of 19 February 1990 shall take effect after fifteen (15) days following their publication in a newspaper of general circulation in the country.

Adopted: 17 May 1993

(Sgd.) TOMAS I. ALCANTARA

Undersecretary of Trade and Industry ICA-UTE Chairman

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