ENTRY AND DEPARTURE OF AIRCRAFTS IN FOREIGN TRADE ON REGULAR TRADE ON REGULAR SCHEDULES

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By authority of and pursuant to Section 608 in relation to Sections 1101 to 1112 of the Tariff and Customs Code of the Philippines, as amended (hereinafter referred to as the Code), and for better customs supervision and control on inbound and outbound cargo and passengers and their baggage carried by aircrafts of airlines with scheduled flights to and from the Philippines, the following rules and regulations are hereby prescribed for the information and guidance of all concerned:

PART I

DEFINITION OF TERMS

For the purpose of these rules and regulations, the following terms shall have the meaning indicated:

1. " Philippines", when used to the geographical sense, means the territory comprising the Republic of the Philippines as defined by law including the territorial waters thereof and the overlying airspace.

2. "Airport", otherwise known and referred to as international airport, refers to any airport designated as airport of entry for aircrafts arriving in the Philippines from any place outside thereof and for articles and aliens carried on such aircraft.

3. "Aircraft" means any civil aircraft not used exclusively in the governmental service of the Philippines or a foreign country, and includes any government-owned aircraft engaged in carrying persons or articles for commercial purposes.

4. "Scheduled airline" means any person, partnership, corporation or association engaged in air transportation upon regular schedules to or away from the Philippines and holding a permit issued by the Civil Aeronautics Board.

5. "Through-flight" refers to a particular operation of an aircraft identified by the airline by the use throughout of the same number/symbol, from airport of origin via any intermediate airport destination.

6. "Pilot-in-command" means the person serving on the aircraft having charge or command of its operations, safety and navigation during flight time.

7. "Authorized agent" refers to a person who represents an aircraft operator/airline and who by written authority duly registered in the customhouse has been designated to act for and in place of an aircraft operator/airline in all formalities connected with the entry and departure of its aircraft, crew, passengers, cargo, baggage, mail or stores.

PART II

GENERAL PROVISIONS ON ENTRY AND DEPARTURE OF AIRCRAFTS IN FOREIGN TRADE

1. Aircrafts coming into the Philippines from any place outside thereof shall land and be entered in an airport of

entry where inbound CIQ (customs/immigration/quarantine) formalities shall be conducted and all documents required for making entry shall be submitted to the customs boarding officer pursuant to Sections 1104 to 1107 of the Code and in such number of copies as required by regulations. Cargo destined for the airport where an aircraft first lands and where its flight will terminate shall be unladen thereat and its passenger disembarked for proper customs clearance, including transit cargo destined for another local or foreign airport for transshipment thereat to its final destination as well as transit passengers for embarkation on their connecting flights to their destination.

2. Aircrafts departing from an airport in the Philippines on a direct return flight to its foreign destination shall likewise comply with CIQ departure formalities and submit to the customs officer in charge all documents required for clearance of the aircraft pursuant to Section 1111 of the Code and in such number of copies as required by regulations.

3. In all instances, the inward or outward general declaration form to be used shall be the form prescribed in Annex 9 to the Convention on International Civil Aviation identified as Appendix 1 thereof and the cargo manifest form to be used shall be the form prescribed and identified as Appendix 2 of Annex 9 aforecited. These documents, together with the passenger manifest and store list, shall be submitted in separate sheets.

PART III

INBOUND AND OUTBOUND THROUGH-FLIGHTS WITH INTERMEDIATE STOP-OVER

1. In the case of scheduled flights from any place outside the Philippines with intermediate stop-over in an airport en route to its final destination in the Philippines where the flight is terminating, the following shall be observed and complied with:

a. For the purpose of making entry, the pilot-in-command or authorized agent shall comply with the formalities and requirements prescribed in paragraph 1 of PART II above upon arrival at the first airport where it lands.

b. In the preparation of the cargo and passenger manifests of an aircraft on a through-flight, cargo and passengers carried and destined for the airport of first landing shall be listed first in the manifests to be followed by those for the next airport of destination. In such instances, cargo and check-in baggage shall be allowed in such a sequence that those destined for the first airport shall be the last to be stowed to facilitate customs action at the first airport. Airlines shall ensure that cargo tapes or separators are used to prevent commingling or switching of cargoes with different destinations. Whatever cargo is retained on the aircraft after all those destined for the first airport have been unladen thereat shall be considered as residue cargo not yet cleared by customs or other interested government agency.

c. Foreign cargo unladen from an aircraft (to be referred to as first carrier) may be transferred and laden under customs supervision and control on another aircraft (to be referred to as second carrier) in the same airport which is the first airport of arrival of a scheduled flight for transportation as transit cargo to its final destination in the Philippines; provided, that the cargo is shown on the manifest submitted by the first carrier as destined for the airport of destination of the second carrier and listed in the letter's transit cargo manifest to be prepared on a separate sheet with their points of origin indicated through the use of the 3-letter airport designator code. Transhipment of such cargo may be direct from aircraft to aircraft or from bonded warehouse to aircraft, subject to compliance with customs regulations prescribed on the matter. Similarly, transiting passengers from foreign points of origin which have disembarked at the first airport of landing may be permitted in the same airport to embark as transit passengers on a connecting aircraft of a scheduled airline on its through-flight to their point of destination in the Philippines; provided, that the passengers are shown on the manifest submitted by the first carrier as destined for the airport of destination of the connecting flight and listed in the latter's transit passenger manifest to be prepared in a separate sheet with their respective points of origin indicated as prescribed heretofore. The operations contemplated under this section, however, shall not apply to and be

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availed of by foreign airlines which do not have traffic rights in the Philippines pursuant to existing bilateral and multilateral air agreement signed to by the Philippines and the state in which the airline is registered.

d. Before departure of an aircraft on its same through-flight from the first airport of landing, one copy of the inward general declaration, cargo manifest and passenger manifest shall be treated as traveling declaration and manifests. After appropriate notations have been made thereon of the official action taken on cargo and passengers unladen and which have disembarked at the first airport, the traveling documents shall be stamped and endorsed by the customs officer in charge including the transit cargo and passenger manifests, if any. When all these documents are in order, a Permit to Proceed to Another Airport to be accomplished in three (3) copies shall be dated and signed by the customs officer for clearance purposes. Two copies of the Permit together with all endorsed copies of the traveling documents and other documents aforestated shall be placed inside a manila envelope which shall be sealed and delivered to the pilot-in-command or authorized agent for delivery to the Collector of Customs or his authorized representative at the next airport of destination.

e. Upon landing in the next airport of destination where the flight terminates, final CIQ formalities shall be conducted and the envelope aforestated with its seal untampered or unbroken shall be delivered to the Collector of Customs or his authorized representative together with additional copies of the documents in the envelope which may be required. All residue cargo and passengers on the aircraft shall be unladen and disembarked in the airport where customs clearance of both cargo and passengers and their baggage shall be performed in accordance with procedures prescribed by regulations.

2. In the case of scheduled flights originating from an airport in the Philippines to a place outside thereof with intermediate stop-over in another airport in its same through-flight to its foreign destination, the following shall be observed and complied with:

a. Before departure of the aircraft, the pilot-in-command or authorized agent shall first comply with the procedures and requirements prescribed in paragraph 2 of PART II above. One copy of the required documents submitted shall be treated as traveling declaration and manifests and shall be stamped and endorsed by the customs officer in charge at the originating airport. When all these documents are in order, a Permit to Proceed to Another Airport to be accomplished in three (3) copies shall be dated and signed by the customs officer to show that initial customs clearance to depart is granted. Two copies of the Permit together with all endorsed copies of the traveling documents shall be placed inside a manila envelope which shall be sealed and delivered to the pilot-in-command or authorized agent for delivery to the Collector of Customs or his authorized representative upon arrival of the aircraft in the stop-over airport, together with such number of additional copies which may be required thereat.

b. Only export cargo and passengers with foreign point of destination shall be laden at the originating airport and their respective destinations indicated on the manifests through the use of the 3-letter airport designator code. Additional export cargo and passengers may be accepted for lading and embarkation at the stop-over airport under customs supervision and control, subject to compliance with existing regulations on the matter.

c. Export cargo and passengers from the originating airport shown on the traveling documents submitted at the stop-over airport as destined for places outside the Philippines other than the foreign destination of the carrying aircraft shall be treated as transit cargo to be unladen at the stop-over airport and laden direct to another aircraft or be temporarily in-bonded following established in-bonding following established in-bonding procedure until they are finally laden on another aircraft destined for their foreign points of destination. Transfer of such cargo direct from aircraft to aircraft or from bonded warehouse to aircraft shall in all cases be done under customs supervision and control, subject to compliance with customs regulations prescribed on the matter. Similarly, transiting passengers from the originating airport shall disembark together with their baggage (hand-carried and check-in) at the stop-over airport for direct transfer to another aircraft on a flight outwards to their foreign points of destination. Airlines in coordination with customs officers concerned at the stop-over airport shall undertake to sort out transiting passengers and their baggage in order that they may proceed as rapidly as

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possible to their connecting outbound aircraft. However, the operations contemplated under this section shall not apply to and be availed of by foreign airlines with scheduled flights from the originating airport which do not have traffic rights in the Philippines as stated heretofore.

d. Where due to some unavoidable or unforeseen circumstances, all or some of the disembarking passengers at the stop-over airport cannot transfer directly to their connecting outbound flights, airlines in coordination with immigration and customs officers concerned shall conduct the passengers to the airport direct transit area/lounge while awaiting for their connecting flights. With respect to passengers who will have to depart within two days from the day of their disembarkation at the stop-over airport, for lack of facilities or on account of other circumstances, they may be permitted to leave the airport passenger terminal and stay in some specific area or place while awaiting for their connecting flight. If there are restricted nationals among them, immigration escorts will be required.

e. Before an aircraft finally departs from the stop-over airport en route to its foreign point of destination, final CIQ formalities and requirements shall be complied with pursuant to Section 1111 of the Code. All traveling documents in the manila envelope from the originating airport and received by the Collector of Customs or his authorized representative at the stop-over airport shall be kept on file thereat, together with a copy of the transit cargo and passenger manifests submitted, if any. The final outward general declaration, when stamped and endorsed by the customs officer-in-charge, shall constitute a clearance certificate to show that final customs clearance is granted for the aircraft to depart for its foreign point of destination.

PART IV

MISCELLANEOUS PROVISIONS

1. In case of technical landings or flight diversions where an aircraft has to land in an airport in the Philippines other than its regular destination, appropriate steps shall be taken to ensure that all possible assistance is rendered to the aircraft, its passengers and crew and, to this end, customs control formalities and procedures shall be kept to a minimum. If assurance is given by the pilot-in command or authorized agent or it is apparent that the aircraft can resume its flight within a reasonably short period of time, the following shall be observed:

a. Customs control measures shall be limited to those that ensure that the aircraft departs with the same load that it carried at the time of landing. In case the load or part thereof cannot, for operational or other reasons, continue on the flight, the customs officer-in-charge in the airport shall expedite clearance formalities and extend proper assistance for the speedy onward transportation for that load to its point of destination.

b. If necessary and in coordination with the immigration officers concerned, an area or place under general customs and immigration supervision shall be designated where passengers and crew can move about during the short stay of the aircraft.

c. Before resuming its flight to its airport of destination in the Philippines, however, a Permit to Proceed to Another Airport in three (3) copies, dated and signed by the customs officer in charge of the airport where the emergency landing was made, shall first be secured by the pilot-in-command or authorized person for customs clearance purposes.

2. For purposes of these regulations, a form for the Permit to Proceed to Another Airport is hereby prescribed and identified as BC Form No. 238, sample of which is hereto attached as Appendix. Aircraft operators or airlines are authorized to reproduce the form provided no deviation is made as to its text and size which shall be 21.6 cm X 28 cm (8-1/2 x 11").

3. Consolidated shipments shipped by international airfreight forwarders (consolidators) destined for discharge in different airports in the Philippines shall be separately covered by a master air waybill and accompanied by a

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consolidated cargo manifest for each airport of destination. The rules and regulations governing consolidated air shipments inbound prescribed in Customs Administrative Order No. 4-89 shall in all cases be observed and complied with by aircraft operators and airlines as well as other concerned.

4. In all cases, customs clearance of articles carried by air and for the interchange of air cargo with surface transport shall be applied and carried out in such manner as to retain the advantage of speed inherent in air transport to avoid delay.

5. Before commencing any scheduled operations of aircrafts engaged in foreign trade or air transportation, its regular schedule of arrival in and departure from an airport in the Philippines shall first be filed by the aircraft operator or airline with the Collector of Customs of the district in which the place of first landing in and last departure from the Philippines is situated.

PART V

APPLICABILITY

The provisions of this Order shall, insofar as practicable, apply to non-scheduled aircrafts engaged in foreign trade or air transportation to or away from the Philippines as well as to private aircrafts granted prior clearance through diplomatic channels to fly into or transit in Philippine territory.

PART VI

RESCINDING CLAUSE

All Orders of Memoranda or any provision thereof which are inconsistent with this Order or any provision thereof shall be deemed superseded or modified accordingly.

PART VII

EFFECTIVITY

This Order shall take effect immediately upon its approval by the Secretary of Finance.

(SGD.) SALVADOR M. MISON
Commissioner of Customs

Appendix: Permit to Proceed to Another Airport Form

APPROVED:

(SGD.) VICTOR C. MACALINCAG
Acting Secretary of Finance

Adopted: 17 Jan. 1990

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