

MODIFYING THE RATES OF IMPORT DUTY ON CERTAIN IMPORTED ARTICLES UNDER SECTION 104 OF THE TARIFF AND CUSTOMS CODE OF 1978 AS AMENDED, IN ORDER TO IMPLEMENT SECTION 1 OF REPUBLIC ...

EXECUTIVE ORDER NO. 376, October 22, 2004

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WHEREAS, the government needs to provide duty exemption to importations of eligible agriculture and fisheries enterprises to promote and foster their efficiency and global competitiveness;

WHEREAS, Section 1 of Republic Act No. 9281 enacted into law on March 30, 2004, amends Section 109 of Republic Act 8435 otherwise known as the "Agriculture and Fisheries Modernization Act of 1997" as follows "all enterprises engaged in agricultural and fisheries duly certified by the Department of Agriculture, in consultation with the Department of Finance and Board of Investment, shall, up to the year 2015, be exempted from the payment of tariff and duties for the importation of all types of agriculture and fishery inputs, equipment, and machinery such as but not limited to, fertilizer, insecticide, pesticide, tractor, trailer, trucks, farm implements and machinery, harvesters, hybrid seeds, genetic materials, sprayers, packaging machinery and materials, bulk-handling facilities such as conveyors, mini-loaders, weighing scales, harvesting scales, harvesting equipments, spare parts of all agricultural equipments, fishing equipments and parts thereof, refrigeration equipments, and renewable energy systems such as solar panels; Provided, however, that the imported agriculture and fishery inputs, equipment and machinery shall be for exclusive use of the importing enterprise";

WHEREAS, Section 109 of Republic Act No. 8435 was implemented by Executive Order (EO) No. 133 series of 1999, and its annexes, as amended by EO 127, series of 2002, the effectivity of which lapsed on 08 February 2003;

WHEREAS, paragraph (2) of Section 1 of Republic Act No. 9281 provides that "the Department, in consultation with the Department of Finance and the Board of Investment, shall, within ninety (90) days from the effectivity of this Act, formulate the implementing Rules and Regulations governing the importation of agricultural and fishery inputs, equipment, and machinery."

WHEREAS, Section 104 and 401 of the Tariff and Customs and Code of 1978 (Presidential Decree No. 1464), as amended, empower the President of the Republic of the Philippines, upon the recommendation of the National Economic and Development Authority, to increase, reduce, or remove existing protective rates of import duty, as well as to modify the form of duty.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. Importation of Articles under Annex "B" The articles specially listed in annex "B" hereof, classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be tariff-exempt up to 31 December 2015, provided that the importation of said articles shall be accompanied by a certificate of eligibility or accreditation duly issued by the Department of Agriculture and its deputized agencies and shall be subject to the

rules and regulations outlined in Annex "A" hereof.

SECTION 2. Fees. Agencies deputized to implement the provisions of this EO and its Annexes, shall be authorized to collect administrative fees and minimal and reasonable costs. The DA and DTI shall prescribe uniform and harmonized rates and shall issue the schedules of fees in a separate Department Administration Order.

SECTION 3. Review. The Department of Agriculture, Department of Finance, Department of Trade and Industry, and DTI Board of Investments, in consultation with concerned private sector and other government institutions shall conduct an annual review of the attached Annexes "A" and "B", and shall report the findings of said review and shall recommend possible amendments to the President.

SECTION 4. Repealing Clause. All Presidential issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby revoked or modified accordingly.

SECTION 5. Effectivity. This Executive Order shall take effect thirty (30) days following its complete publication, in two (2) newspapers of general circulation in the Philippines. Upon the effectivity of this Executive Order, the abovementioned articles, which are entered and withdrawn from warehouses in the Philippines shall be levied the rates of duty herein prescribed.

DONE in the City of Manila, this 22nd day of October, in the year of Our Lord, Two Thousand and Four.

(SGD.) GLORIA MACAPAGAL-ARROYO

President of the Philippines

By the President:

(SGD.) EDUARDO R. ERMITA

Executive Secretary

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