REQUIRING RAW OR REFINED SUGAR TO BE STORED IN SRA REGISTERED WAREHOUSES

SRA SUGAR ORDER NO. 8, S. 2013-2014, May 07, 2014

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Adopted: 07 May 2014
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Whereas, the production, importation, exportation, transfers, shipping, and releases of raw and refined sugar to the market are monitored and regulated by the Sugar Regulatory Administration (SRA);

Whereas, Executive Order No. 18 issued on May 28, 1986 provides that one of the powers and functions of SRA is to institute, implement and regulate an orderly system of quedanning, disposition and withdrawals of various sugar from warehouses;

Whereas, pursuant to its authority, the SRA issued the following directives:

> 1) Sugar Order No. 6, Series of 2011-2012 which requires custom bonded warehouses (CBW) food processors/manufacturers of sugar-based products for export to, among others, submit a certified true copy of declaration of warehouse indicating the specific location and storage capacity of such registered warehouse/s and
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> 2) Memorandum Circular No. 2, Series of 2011-2012 which directs all sugar traders to indicate in their SRA applications the location and complete address of their duly-registered warehouses;

Whereas, reports have reached SRA there are unregistered warehouses that store undetermined volume of sugar, and cases where unregistered warehouses are used in the re-bagging of sugar of dubious origin into bags bearing the names of fictitious mills or refineries, or of legitimate mills or refineries without their consent, for purposes of evading duties and taxes, circumventing SRA regulations and government anti-smuggling measures;

Whereas, in order for SRA to fulfill its mandate to regulate sugar and monitor the volume of sugar available in the market, it has to address the situation of unregistered warehouses that are used to store or keep sugar;

NOW, THEREFORE, under and by virtue of the authority vested in the Sugar Regulatory Administration, it is hereby ordered that:

Section 1. Registration of Sugar Warehouses: Owners or operators of warehouses that store or keep raw and/ or refined sugar are required to register with the SRA and renew registration every crop year. Provided that, warehouses of accredited sugar traders, custom bonded warehouses of food processors/manufacturers of sugar-based products for export and sugar mills and refineries that are already required to register their respective warehouses under existing sugar orders or circulars issued by the SRA are not subject to this requirement.

Section 2. Requirement to Use SRA-registered Storage Facilities: Owners, traders, importers or consignees of locally produced or imported raw or refined sugar are required to store or keep their raw and refined sugar only in warehouses that are duly registered with the SRA. Sugar that are stored or kept in warehouses not registered with SRA shall be considered undocumented sugar and subject to penalties imposed in this Sugar Order. Provided,

that, imported sugar classified as “C” or Reserved sugar shall be stored or kept only in SRA registered warehouses. Provided, further, that SRA shall issue a certificate indicating the volume of “C” or Reserved sugar stored in the registered warehouse with the confirmation and signature of the importer, consignee, or owner of the sugar.

Section 3. Qualifications for Registration: Any person or business entity duly created under the laws of the Philippines may apply with the Regulation Department of SRA either in Quezon City or in Bacolod City for registration of its warehouse/s subject to submission of the following:

3.1

Notarized application form containing the name of the owner or operator of the warehouse/s, his or her official representative, if any, the specific addresses of the warehouse/s, and their storage capacity;

3.2

Passport size picture of the owner, operator and official representative (of the owner or operator) of the warehouse/s

3.3

Securities and Exchange Commission (SEC) Updated Articles of Incorporation and latest General Information Sheet (GIS) or Department of Trade and Industry (DTI) Certificates of Registration, whichever is applicable

3.4

Barangay Permit;

3.5

Mayor's Permit

3.6

Latest Bureau of Internal Revenue (BIR) Registration

3.7

Other information and documents that SRA may further require

Warehouses applying for registration shall be inspected by an authorized SRA monitoring team prior to processing of the application. The inspection shall be unannounced but conducted at a reasonable time during a working day.

Section 4. Registration Fee: Upon approval of the application for registration, the applicant shall pay in full the registration fee of P2,000.00 either in cash, company check, money order or telegraphic/bank transfer. An application filed for the remaining months of the current crop year 2013-2014 shall pay only 50% of the registration fee.

Section 5. Validity and Renewal of Registration: When approved, the registration of the raw and/ or refined sugar warehouses shall be valid for that crop year only. Renewal of registration may be filed two (2) months before September 2 of every crop year, by submitting the requirements mentioned in Section 3.

Section 6. Notice of Registration: Registered warehouses shall be posted with a Notice of Registration indicating, among others, the name or number of the warehouse, its address, name of the owner or operator, date of posting

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(of the Notice), period of validity, and SRA control number. The Notice shall be signed by the Deputy Administrator, and shall be posted only by SRA monitoring team on a conspicuous place of the warehouse which shall be visible to all persons at all times.

The Notice of Registration shall be considered an official document of SRA. Removal, transfer, obscuring, tampering, intercalation, erasure, or falsification of the Notice shall be liable under the applicable provisions of the Revised Penal Code, without prejudice to any penalty the SRA Board may impose.

The Notice shall be replaced by SRA monitoring team upon approval of renewal of registration. Notice of Registration of warehouses that has not applied for renewal shall be removed by SRA monitoring team after its period of validity. A warehouse with expired or unrenewed registration shall be considered as not registered with SRA.

Section 7. Visitorial Authority: In exercise of its monitoring authority, authorized SRA monitoring teams shall conduct unannounced inspections of a registered warehouse at a reasonable time during a working day. Raw or refined sugar in registered warehouses that will refuse or not allow entry and inspection by authorized SRA monitoring team shall be presumed as undocumented sugar.

Section 8. Penalty for Undocumented Sugar: Raw and/or refined sugar that are stored or kept in warehouses not registered with the SRA shall be presumed as undocumented sugar unless the owner, trader importer or consignee proves through documentary evidence and to the satisfaction of the SRA that the sugar was bought, traded or imported in compliance with applicable laws and with the rules, orders and circulars of SRA.

Undocumented sugar shall be subject to a fine of P300.00/bag. A subsequent repetition of the offense shall incur the penalty of no less than P500/bag. SRA shall place the undocumented sugar under its control until the appropriate fines are paid by the owner, trader, importer or consignee by preventing the withdrawal, transfer or removal of the sugar from the unregistered warehouse.

The fines imposed hereunder shall be without prejudice to the liability and penalty the owner, trader, importer or consignee of the undocumented sugar may be subject to under existing laws and regulations.

Section 9. Penalty for Non-Registration of Sugar Warehouses: Owners or operators of warehouses that store or keep raw and/or refined sugar but are not registered with SRA shall be subject to the fine mentioned in Section 6. Provided, that, in case the owner or operator of the warehouse is also the owner, trader, importer or consignee of the undocumented sugar, he shall be additionally liable for the fine mentioned in said Section 8.

In enforcing this Order and/or imposing the penalties provided for under this Sugar Order, SRA shall secure the assistance of appropriate government and law enforcement agencies.

Section 10. Repealing Clause: Sugar Orders, Circulars and/or Rules and Regulations contrary to or inconsistent with this Sugar Order, except those Sugar Orders, Circulars and Rules and Regulations covering warehouses of sugar traders, CBW food processors/manufacturers of sugar-based products for export and of sugar mills and refineries, are hereby amended, modified or revoked accordingly.

Section 11. Effectivity: This Sugar Order shall take effect immediately.

BY AUTHORITY OF THE SUGAR BOARD

(SGD) MA. REGINA BAUTISTA-MARTIN
Administrator

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