MOA ENTERED INTO BY AND BETWEEN LTO AND BOC

BOC CUSTOMS MEMORANDUM CIRCULAR NO. 206-2007, August 08, 2007

Read online (full-text search, related cases, audio case brief): https://batas.org/library/f73819c4bc71/

Attached is a copy of the Memorandum of Agreement entered into by and between the Land Transportation Office and this Bureau in order to implement Sec. 2532 of the TCCP and the LTO's mandate under RA 4136, otherwise known as the Land Transportation and Traffic Code.

This MOA covers buyers in good faith of:

1. All imported branc1 new and used Completely Built Units (CBUs):
2. All CBUs from imported replacement parts indicated only the engine and or chassis/Vehicle Identification Number (VIN).

Please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

Adopted: 8 Aug. 2007

(SGD.) NAPOLEON L. MORALES
Commissioner

MEMORANDUM OF AGREEMENT
KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement (MOA) is entered into by and between:

The Land Transportation Office (LTO) with office address at East Avenue, Diliman, Quezon City, herein represented by its Assistant Secretary, REYNALDO I. BERROYA and hereto referred to as LTO;

and
The Bureau of Customs (BOC), with office address at Port Area, Manila, herein represented by its Commissioner, NAPOLEON L. MORALES, and hereto referred to as BOC;

WITNESSETH
WHEREAS, the BOC shall issue a Customs Memorandum Order (CMO) implementing Sec. 2532 of the Tariff and Customs Code of the Philippines (TCCP), as amended, on buyers in good faith of imported motor vehicles;

WHEREAS, the LTO is mandated under RA 4136, otherwise known as the Land Transportation and Traffic Code, among others, to provide a secured travel for transport users and commuters by registering only motor vehicles which have undergone and passed the standards on safety and roadworthiness and to ensure that all motor vehicles sought to be registered come from legal source under the provisions of Republic Act No. 6539, otherwise known as the Anti-Carnapping Act of 1972; and

WHEREAS, there is an imperative need for the BOC and the LTO to pursue a joint plan of action to collect unpaid taxes and duties on imported motor vehicles in consonance with the national initiative to generate more revenue for the government.

COVERAGE

This MOA covers buyers in good faith of:

1. All imported brand new and used Completely Built Units (CBUs);

2. All CBUs from imported replacement parts indicated only the engine and or chassis/Vehicle Identification Number (VIN) numbers;

EXCLUSION

The following imported motor vehicles are excluded from the coverage of this MOA:

1. Motor Vehicles imported pursuant to the Motor Vehicle Development Program (MVDP) of the government;

2. Motor Vehicles imported by embassies, consulates and other diplomatic missions; and

3. Trucks and buses covered by CP which indicated the payment of duties and taxes for the whole motor vehicle by Department of Trade and Industry (DTI) accredited rebuilders.

DEFINITION OF TERMS:

Buyer in good faith is:

1. One who is not the importer of the motor vehicle nor has acted as agent for the importer in effecting the importation but who is able to identify the seller of the motor vehicle;

2. One who has verified the existence/genuineness of the BOC Certificate of Payment and the LTO Certificate of Registration at the time of purchase of the motor vehicle; and

3. One who has no personal knowledge that the motor vehicle was imported without payment of taxes and duties or with deficiencies.

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereto have agreed as follows:

1. The BOC and the LTO shall establish a One-Stop-Shop at the LTO Compound for this purpose.
2. The LTO shall make one of the requirements a BOC clearance in the initial/ renewal registration of motor vehicles covered under this MOA.
3. The BOC and the LTO shall issue its implementing rules and regulations relative to the provisions of this MOA.

IN WITNESS WHEREOF, parties hereby set their hands and sign this document this 7th day of April 2007, at City of Manila, Philippines.

(SGD.) NAPOLEON L. MORALES

(SGD.) REYNALDO I. BERROYA

Commissioner

Assistant Secretary

Bureau of Customs

Land Transportation Office

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(SGD.) REYNALDO S. NICOLAS

(SGD.) JIMMY G. PESIGAN

Deputy Commissioner

Executive Director

Bureau of Customs

Land Transportation Office

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