



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
1100 Quezon City

MEMORANDUM CIRCULAR

No. 38

Series of 2020

SUBJECT : Supplementary Order to Memorandum Order No. 28 Series of 2019

WHEREAS, Presidential Decree 1433 also known as the Plant Quarantine Law of 1978 was promulgated to revise and consolidate existing plant quarantine laws to further improve and strengthen the Plant Quarantine Service of the Bureau of Plant Industry;

WHEREAS, DA Department Circular no. 4 series of 2016 was issued to rationalize and enhance the requirements and procedure in the importation of plants, planting materials and plant products for commercial purposes;


WHEREAS, there is a need to strengthen registration procedure for importers of plants, planting materials and plant products to safeguard from entry, establishment and spread of exotic plant pests and comply with food safety requirements;

WHEREAS, to address the numerous reports that SPSICs issued for imported commodities have been misused or abused by unscrupulous traders and businesses, taking advantage of the privileges provided by law to avoid their legal responsibilities.

WHEREAS, there is a need to ensure that imports should arrive when needed and not be used to depress local production prices. Hence, importers should take cognizance of local supply availability and avoid dumping of imports during local harvest periods to benefit our local farmers.

NOW THEREFORE, I, SECRETARY WILLIAM D. DAR, of the **Department of Agriculture**, hereby issue this Order to implement additional requirements for registration and renewal of importers of plants, planting materials and plant products:

- A. For the registration and renewal of importers, the following documentary requirements must be submitted to BPI:
1. Notarized Application form w/ Two (2) 2x2 ID picture of owner
 2. Mayors Permit or Business Permit
 3. Proof of Business Establishment:
 - a. For Corporations:
 - i. Security and Exchange Commission (SEC) Registration indicating the nature and extent of business; and
 - ii. extent of business and Certificate of Good Standing from the SEC


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- b. Single Proprietorship: Department of Trade and Industry (DTI) Registration indicating the nature and extent of business.
 - c. For PEZA Special Economic Zone: Philippine Economic Zone Authority (PEZA) Registration indicating the nature and extent of business.
 - 4. Contract of Lease with declared storage capacity/Proof of Ownership with a sketch map of:
 - a. Storage/Warehouse (if applicable) or;
 - b. DA Accredited Cold storage warehouse (with DA Certificate of Accreditation) (if applicable)
 - 5. Current Bureau of Customs (BOC) Registration of:
 - a. Importer and;
 - b. Authorized Broker
 - 6. Special Power of Attorney (SPA) with Two (2) 2x2 ID picture (Maximum of 3 representatives)
 - 7. Annual Income Tax Return with Audited Financial Statement (last three years)
 - 8. Specific information of the commodity to be imported (HS or AHTN Codes), purpose of importation (e.g. retail or bulk sale, direct use, processing, etc.), and destinations of imported commodity.
- B. On rice importation, the statement in the SPSIC conditions under Memorandum Order No. 28 series of 2019 shall be amended as follows:

"The actual product/consignment must be shipped-out within twenty (20) days and must arrive no later than thirty-five (35) days from the Date Issued of the SPSIC for rice coming from ASEAN countries (except Myanmar) and sixty-five (65) days for those coming from Myanmar and other countries."


- C. BPI shall conduct consultations with concerned stakeholders to refine the above requirements and other requirements for importation. BPI shall also conduct dialogues with both importers and local producers to assess local supply and demand appropriately.

All existing Department circulars, rules and regulations, orders or parts thereof, inconsistent with this Order's provisions, are hereby repealed or modified accordingly.

If any portion of this Order is declared unconstitutional or invalid, the other portions thereof, which are not affected, shall continue to be in full force and effect.

This Order shall take effect immediately.

Done this 29th day of November 2020.


WILLIAM D. DAR, PhD.
 Secretary

DEPARTMENT OF AGRICULTURE

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