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Department of Agriculture
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DA-OFFICE OF THE ASSISTANT SECRETARY FOR REGULATIONS



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Administrative Circular

No. 06
Series of 2022

SUBJECT: REVISED RULES AND REGULATIONS GOVERNING THE IMPORTATION OF AGRICULTURAL AND FISH AND FISHERY/AQUATIC PRODUCTS; ANIMAL FEEDS, FEED INGREDIENTS AND FEED ADDITIVES; AND, FERTILIZERS, PESTICIDES AND OTHER AGRICULTURAL CHEMICAL PRODUCTS INTO THE PHILIPPINES

Pursuant to Republic Act No. 3639, 1930, as amended; Republic Act No. 1071, 1954; Republic Act No. 1556, 1956; Republic Act No. 1937, 1957; Presidential Decree No. 4, 1972, as amended; Presidential Decree No. 1144, 1977, as amended; Presidential Decree No. 1433, 1978, as amended; Executive Order No. 18, Series of 1986; Executive Order No. 292, Series of 1987; Republic Act No. 7394, 1992; Republic Act No. 8435, 1997; Republic Act No. 8550, 1998; Republic Act No. 9296, 2004, as amended; Customs Memorandum Order (CMO) No. 4-2007; Republic Act No. 10611, 2013; Republic Act 10654, 2015; Republic Act 10845, 2016; Customs Administrative Order (CAO) No. 2-2017; Customs Administrative Order (CAO) No. 3-2020; and, relevant international agreements to which the Philippines is a signatory, Administrative Order No. 9, Series of 2010, re: Department of Agriculture Administrative Order No. 08, Series of 2009, as amended: ***“Rules and Regulations Governing the Importation of Agricultural and Fish and Fishery/Aquatic Products, Fertilizers, Pesticides and Other Agricultural Chemicals, Veterinary Drugs and Biological Products into the Philippines,”*** is hereby revised as follows:

WHEREAS, it is a paramount objective of the government in view of trade liberalization to adopt and enforce rules and regulations necessary to protect human, animal or plant life or health ensuring that the agricultural and fishery products are safe for consumers and to prevent the introduction, establishment and spread of pests or disease among animals or plants;

WHEREAS, smuggled agricultural and fish and fishery/aquatic products, fertilizers, pesticides and other agricultural chemicals, pose serious threat to human, animal or plant life or health;

WHEREAS, the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phyto-sanitary (SPS) Measures reaffirms that member-countries have the right to institute appropriate Measures as it deems necessary to protect human, animal or plant life or health;

WHEREAS, the Department's various bureaus and agencies have their own set of rules and regulations on the importation of various products under their coverage;

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WHEREAS, there is a need to streamline, harmonize and strengthen these various rules and regulations to enhance transparency and in order to facilitate trade without compromising safety of human, animals or plant life or health and/or causing damage to the environment;

WHEREAS, the automation of the harmonized business processes of the regulatory agencies particularly in the application and issuance of the SPS Import Clearance will enhance the delivery of services which will lead to the adoption of best practices in the global trade;

WHEREAS, there is a need to establish and maintain an effective and comprehensive regulatory system to ensure that the required sanitary and phyto-sanitary measures are met;

WHEREAS, Republic Act No. 11032 or the Ease of Doing Business Act of 2018 directed all national government agencies to initiate review of existing policies and operations, and commence with the reengineering of systems and procedures towards adoption of simplified requirements and procedures that will reduce red tape and expedite transactions in government;

NOW THEREFORE, I, **WILLIAM D. DAR, Ph.D.**, Secretary of the Department of Agriculture, in accordance with the powers vested upon me by law, do hereby issue this Administrative Circular governing the rules and regulations on the importation of agri-fishery products, such as but not limited to, live animals; meat and meat by-products; animal products and by-products, including eggs and honey; other products of animal origin, i.e. embryos and semen; animal feeds, feed ingredients and feed additives; plant and plant products; fish and other aquatic resources; fertilizers, pesticides and other agricultural chemicals; into the Philippines for the information, guidance and compliance of all concerned.

ARTICLE I DEFINITION OF TERMS

Section 1. Definitions. As used in this Order, the following words, terms and phrases shall be construed to mean as follows:

1. **Accreditation** - refers to the process wherein an independent or authoritative body grants formal recognition to an entity providing testing, calibration, inspection, and certification services after proving competence and impartiality to provide such services as evidenced by fulfillment of specified standards and requirements.
2. **Agricultural and Fishery Commodities** - includes plants, plant products, and other related materials capable of harboring plant pests; rice and other grains; biological control agents; live animals; small animals liable to become pests animals; animal feeds and feed ingredients; live animals; animal products and by-products; meat and meat products; other animal products, such as embryos and semen; unpasteurized milk; live/fresh/chilled/frozen fish, fishery and aquatic products; sugar and

molasses; agricultural chemicals and other biological control agents, such as but not limited to, disinfectants, pesticides and fertilizers.

3. **Agriculture and Fishery Establishment** - refers to a facility engaged in a business operation or any activity in the agriculture and fishery sector, including farms or production areas, but excluding administrative offices.
4. **Animal By-products** - includes, but not limited to, hides, horns, skin, bones, hooves, feathers and other parts or products animals not intended for human and animal consumption.
5. **Animal Products** - fresh meat, meat products gelatin, eggs, egg products, milk, honey when intended for human consumption, meat-meal, liver meal, bone-meal, blood-meal, feather-meal, pork fat and milk products when intended for use in animal feeding, animal organs, tissues and organic fluids to be used in the preparation of pharmaceutical products or of surgical devices, products of animal origin for agricultural or industrial use, except those intended for food for human consumption, pharmaceutical or surgical purposes and animal feeding.
6. **Animals as Potential Agricultural Crop Pests** - certain species of animals that are liable to become crop pests in all life stages such as insects, monkeys, rodents, bats, birds, snails and other forms of animal life capable of causing injury to agricultural crops.
7. **Airway Bill/Bill of Lading** - document evidencing receipt of goods for shipment issued by person engaged in business of transporting or forwarding goods. It is a receipt for goods, a contract for their carriage and is documentary evidence of title to goods.
8. **Audit** - a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which criteria are fulfilled
9. **Authorization** - refers to the permission embodied in a document granted by a DA regulatory agency to a person to operate an establishment or engage in a business operation or any activity in the agriculture and fishery sector after proving compliance with specific requirements set by the DA regulatory agency having jurisdiction. This shall, likewise, refer to the status attributed to a product which has undergone the evaluation and approval process as mandated under existing laws, rules and regulations. Authorization may be in the form of a license, certificate, or clearance, or any similar document.
10. **Biological Control Agents (BCAs)** - biological means to manage pests which are based on microorganisms or natural products. These include naturally occurring substances that control pests, microorganisms that control pests, and pesticide substances produced by plants containing added genetic material.
11. **Biomolecules** - organic molecules and their synthetic forms occurring in living organisms.

12. **Certification** - refers to the process by which an officially accredited certifying body, provides written or equivalent assurance that a commodity or a product, or a process or system adopted or in place in agricultural and fishery establishments complies with subsisting sanitary and/or phyto-sanitary requirements, technical specifications, or conform to specific quality standards, as appropriate.
13. **Clearance** - refers to a permission embodied in a document, which is issued by the DA regulatory agency having jurisdiction to an authorized or recognized entity, for an activity or action to proceed after such has undergone necessary process and satisfied the requirements as prescribed under subsisting laws, rules and regulations.
14. **Competent Authority** - bureau or agency, mandated by law with responsibility and competence for ensuring and supervising the implementation of Sanitary and Phyto-sanitary (SPS) Measures, regulations, or standards
15. **Condemnation** - declaration, after due examination and judgment of the products according to the approved protocols by a competent authority, as being non-compliant to the SPS Measures, including being unsafe or unsuitable for human consumption, and requiring appropriate disposal thereof.
16. **Confiscation** - taking into custody of products by the competent authority for having been the subject of violation of herein rules and regulations or any pertinent law or rule or regulation and for the proper disposal of the same.
17. **Consignment** - specific quantity of agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, bound for a customer into the country and conveyed by one means of transportation.
18. **DA Border Inspector (DABI)** - includes (a) BFAR Fisheries Quarantine Officer, BAI Animal Quarantine Officer, and BPI Plant Quarantine Officer stationed in every international seaport and airport, and (b) NMIS Meat Control Officer and Inspector stationed at Cold Storage Warehouse facilities in the Philippines who performs agriculture quarantine cargo clearance procedure like documentation, inspection and product safety/quality inspection, respectively.
19. **DA Trade System** - the back-office application of the Department of Agriculture, developed, deployed and maintained by the service provider, for the processing of DA Trade Transactions, such as the SPS Import Clearance issued by the BAI, BPI, and BFAR.
20. **Decision (of the Secretary on Appeal)** - the final executory authority vested on the Secretary of Agriculture in the exercise of his jurisdiction over all bureaus, offices, attached agencies and corporations as are provided by law, and in accordance with the applicable relationships as specified in Chapters 7-9 of Book IV, Introductory Provisions, of the Administrative Code of 1987 (Executive Order No. 292, Series of 1987).

21. **Electronic Request for Inspection (e-RFI)** - an electronic application submitted by the registered importer requesting the DABI to conduct inspection of the products/commodities upon arrival at the port of entry.
22. **Equivalence Agreement** - refers to an agreement entered into by/between the Competent Authorities of trading countries concerning import and inspection systems, or specific sanitary/phyto-sanitary measure or measures related to a certain product or categories of products:
 - a. **Equivalence on a System-Wide Basis** - refers to the capability of a different inspection and certification systems to meet the same objectives; and
 - b. **Equivalence of Sanitary/Phyto-sanitary Measures** - is the state wherein sanitary/phyto-sanitary measures applied in an exporting country, though different from the measures applied in the Philippines, achieve, as demonstrated by the exporting country, the level of sanitary protection determined by the concerned DA Agency to be appropriate for the Philippines.
22. **Exporter** - refers to any person, individual or juridical entity, or an authorized representative who transacts with the respective DA Agency for purposes of registration and/or licensing and issuance of Official Certificates used to trade products with another country and who is in possession of or in any way entitled to the custody or control of any good exported from the Philippines.
23. **Feed** - a mixture of feed ingredients by specific formula as food for animals.
24. **Feed Ingredient** - any single article, raw material or feeding stuff which enters into the composition of a feed or a ration, concentrate, supplement or additive.
25. **Fertilizer** - includes any substance, solid or liquid or any nutrient element or elements organic or inorganic singly or in combination with other materials, applied directly to the soil or to the plant for the purpose of promoting plant growth, increasing crop yield or improving their quality.
26. **Fish and Fishery /Aquatic Products** - products enumerated in the World Customs Organization (WCO) Harmonized Tariff System including finfish, mollusks, crustaceans, echinoderms, marine mammals and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
27. **Genetically Modified Organisms (GMO)** - also refers to "living modified organisms," under the Cartagena Protocol on Biosafety and refers to any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.
28. **Importation** - act of bringing into the country by sea, land or air foreign products intended for planting, breeding, consumption, manufacturing, trading, distribution, domestication, formulation, repacking or by any other purposes.
29. **Importer** - refers to any duly licensed and registered person, individual or juridical entity, or owner or an authorized representative or for whose account benefit the

consignment is made, who transacts with a Competent Authority for the purpose of products and/or establishment registration and/or licensing, and who is entitled to the custody or control of any agri-fishery commodities imported into the Philippines

30. **Inspection** - the complete unpacking of any consignment to check the contents and (1) assess compliance with the SPS rules, and (2) if there are any evident SPS risks that have not been managed.
31. **Inward Foreign Manifest** - a document provided by the shipping lines, airlines and other sources, that details the listing of all cargo entering the country of discharge.
32. **Joint Physical Inspection** - physical inspection of all imported agri-fishery commodities/consignments at the Port of Entry and Licensed Dry/Cold Storage Warehouse conducted jointly by all concerned DA agencies, BOC and other authorized government agencies, in duly designated inspection facilities.
33. **License** - refers to the permission embodied in a document granted by a DA regulatory agency to a person with application to operate an establishment or engage in a business operation or any activity in the agriculture and fishery sector after proving technical capability to (1) comply with the sanitary and/or phyto-sanitary requirements set by the DA regulatory agency having jurisdiction, (2) conform to specific quality standards and technical regulations, or (3) comply with certain laws, rules, and regulations, including measures relating to conservation or sustainable use of exhaustible natural resources. In the case of animal facilities, the term License also refers to the certificate of registration as required under the Animal Welfare Act in consonance to relevant international standards and the Food Safety Act.
34. **Meat** - fresh, chilled or frozen edible carcass including offal derived from food animals.
35. **Meat Product** - any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any food animal, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat industry, and which are exempted from definition as a meat product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat product.
36. **Microorganisms** - include, but not limited to, viruses, bacteria, fungi, protozoa, parasites and other similar organisms and their products in any form.
37. **Must Ship Out By Date** - the prescribed time (period) within which the actual product/consignment must have left the country of origin, the reckoning of which is based on the date of issuance of the SPS Import Clearance.
38. **Packaging** - procedure of protecting the products by a wrapper, container or any other suitable material.

39. **Packing Materials** - includes leaves, straw, wood, bark and other plant materials used as wrapping, packing, boxing, bundling, or covering any imported products, and which are capable of harboring plant pests.
40. **Person** - any natural or juridical person such as corporation, partnership, society, association, firm, company and other legal entity.
41. **Pest** - any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products
42. **Plants** - living plants and parts thereof including seeds, cuttings, rhizomes, bulbs and corms, grafts, leaves, roots, scion and other plant parts that are capable of propagation.
43. **Plant Products** - products derived from plants either in their natural state or in manufactured or processed form.
44. **Recognition** - refers to the formal acceptance or acknowledgement embodied in a document or any equivalent form granted by DA regulatory agency having jurisdiction, that a product, system, or entity is determined to have the condition, quality, or competence based upon a specific set of criteria after undergoing a process of evaluation as prescribed in subsisting rules and regulations.
45. **Registered and Licensed Importer** - refers to a person registered and licensed by the DA and/or its bureaus and attached agencies as eligible to import agricultural and fisheries commodities and products for its own use, propagation, processing, wholesale and/or retail distribution.
46. **Registration** - the process by which DA regulatory agencies enter information about agriculture and fishery establishments engaged in the primary production and postharvest stages of the food supply chain, including facilities involved in activities related to agrochemicals and other inputs in the primary and postharvest stages of production, in an official list or official system for entering names and information of the DA regulatory agencies.
47. **SPS Import Clearance** - document issued prior to importation by the concerned bureau or agency to ensure that the products being imported meet standards to protect human, animal, or plant life or health, ensuring that the agricultural and fishery products are safe for consumers and to prevent the spread of pests or diseases among animals or plants. Such document also prescribes the conditions to be complied with by the importer for the maintenance of quality and suitability of the product for the intended purpose.
48. **Sanitary and Phyto-sanitary Measures** - any legislation, regulation, requirement, or procedure applied for the purpose of (a) protecting animal or plant life or health within the territory of the Philippines from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; (b) protecting human or animal life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in agricultural

import products; (c) protecting human life or health from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or (d) preventing or limiting other damage within the territory of the Philippines from the entry, establishment or spread of pests.

49. **Secretary** - means the Secretary of the Department of Agriculture.

ARTICLE II

SCOPE AND COVERAGE

Section 1. Scope – This Order covers the importation of:

- A. Plant, plant products, and other related materials capable of harboring plant pests, including but not limited to:
1. Living plants;
 2. Nursery stocks, including vegetative parts thereof used as propagating materials;
 3. Nuts and seeds either for planting, consumption or for processing;
 4. Fresh fruits, vegetables and other plant products which have been declared as prohibited/restricted import under special quarantine orders because of being known host of dangerous plant pest or originating from restricted areas;
 5. Natural fibers;
 6. Pure culture of fungi, bacteria virus, nematodes and other phytopathogenic materials;
 7. Mushroom cultures including spawn;
 8. Algae cultures, rhizobial cultures as legume inoculants;
 9. Seaweeds and aquatic plants;
 10. Soil and plant materials for isolation of organism;
 11. Other plant cultures;
 12. Wood packaging materials and other packing materials capable of harboring plant pests;
 13. Frozen/Chilled fruits and vegetables including diced vegetables and processed fruits;
 14. Milled rice, corn and other grains and cereals;
 15. Grasses for animals and aqua feeds;
 16. Genetically modified plants, planting materials and plant products ; and
 17. Other plants, planting materials and plant products under Category 2, 3 and 4.

Plant Quarantine Service Certificate (PQSC). For processed plant products under Category 1, an SPSIC is not required, however, the importer must secure a PQSC from BPI.

- B. Live Animal; animal products and by-products; other products of animal origin, such as embryos and semen, including egg and honey;

- C. Animal Feeds, feed ingredients, feed additives and supplements, and other feed products;
- D. Meat and meat by-products;
- E. Animal Feed Premixes and drinking water medications;
- F. Live/fresh/chilled/frozen fish and fishery and aquatic products including microorganisms and biomolecules;
- G. Fertilizer, Pesticides and other Agricultural Chemicals
- H. Biological Control Agents (BCAs); and
- I. Goods referred to the DA or goods, not being listed elsewhere in this Administrative Circular discovered by the DA at a port of entry and suspected of harboring regulated pests or organisms.

Section 2. Coverage

- A. All applications for SPS Import Clearance governed by this Circular shall cover agriculture and fishery commodities intended for commercial, business, personal use/consumption and other related purposes.
- B. The SPS Import Clearance to be issued shall ensure and guarantee the protection of plant, animal as well as human health from risks borne by imported products. The document shall ensure that the source of the food products have passed food safety standards and regulations, and that such products shall be fit for human consumption, in accordance with the provisions of the Food Safety Act and its Implementing Rules and Regulations.
- C. The SPS Import Clearance to be issued by the DA agencies/bureaus shall cover food safety of imported food products in the primary production and post-harvest stages of food supply chain.
- D. For imported food products derived from agriculture and fishery products that are processed and prepackaged, the SPS Import Clearance to be issued by the DA agencies/bureau shall cover plant and animal health, while the concern on human health shall be under the jurisdiction of the Food and Drug Administration (FDA) of the Department of Health (DOH).

ARTICLE III APPLICATION FOR ISSUANCE AND VALIDITY OF SPS IMPORT CLEARANCE

Section 1. Only duly registered and licensed Agri-Fishery Products Importer with valid License to Operate (LTO) and/or License to Import (LTI) shall be allowed to import said products. All licensed importer and/or approved/accredited supplier who desires to

import any agri-fishery products enumerated in Article II, Section 1, except Article II, Section 1, Item A-10 hereof, must secure an SPS Import Clearance prior to importation, from any of the following:

A. Issuing Bureau or Agency

1. **Bureau of Animal Industry (BAI)** – for live animals; animal products and by-products including meat and meat by-products; eggs; other products of animal origin such as frozen semen and embryos; unpasteurized milk; animal feeds and feed ingredients (except corn and soybean); Animal Feed/Feed Ingredients, additives and supplements; and Animal Feed Premixes and Water Medications.
2. **Bureau of Fisheries and Aquatic Resources (BFAR)** – for fish, fishery/aquatic products as defined in Article II, Section 1, Item A-15, hereof, and stipulated in Article II, Section 1, Item D hereof, fish intended for feed and products used in fish propagation, and other seafood including those grown by aquaculture.
3. **Bureau of Plant Industry (BPI)** – for plants and plant products as enumerated in Article II, Section 1, Item A.

B. For products the release of which from the port require more than one DA bureau/agency, the following coordination process shall be followed:

1. For the following agricultural products, the **BPI** shall issue the SPS Import Clearance only upon submission by the importer of the prerequisite documents necessary to be secured from the DA agencies/bureaus and other agencies indicated in the parenthesis:
 - a. Unprocessed feeds and feed ingredients of plant origin such as grains (BAI);
 - b. Fibers including coir (PhilFIDA);
 - c. Coconuts, coconut product and by-products (PCA);
 - d. Tobacco (NTA);
 - e. Seaweeds and aquatic plants (BFAR); and
 - f. Plant Products of Exotic Origin which requires Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Permit (DENR).
2. For the following agricultural products, the **BAI** shall issue the SPS Import Clearance, only upon submission by the importer of the prerequisite documents necessary to be secured from the DA agencies/bureaus indicated in the parenthesis:
 - a. Frozen Raw Meat (NMIS);
 - b. Brine shrimp (*artemia* cyst) (BFAR);
 - c. Animal Products of Exotic Origin which requires CITES Permit (DENR);
 - d. Not-fully heat-treated meat products (FDA).

3. For the following agricultural products, the **FPA** shall issue the Certificate Authorizing Importation of Pesticide (CAIP), only upon submission by the importer of the prerequisite documents necessary to be secured from the DA agencies/bureaus indicated in the parenthesis:
 - a. Agro chemicals for fishery and aquatic use (BFAR)
 - b. Disinfectants for animal pens, livestock farms, and the like (BAI)
 - c. Other Agricultural Chemicals and Biological Control Agents (BPI; BAI).

Section 2. Registration for SPS-IC Application – DA-Licensed Importer shall first register to the DA Trade System, upon which the Application shall be submitted together with all the necessary supporting documentary requirements, prior to the Application for Sanitary/Phyto-sanitary Clearance.

Section 3. Documentary Requirements and Application to Import - The documents must be attached to the Application Form to Import:

- A. Pro-forma invoice from the Supplier;
- B. Notarized affidavit of undertaking as required by the concerned Bureau or Agency, to be included in the accreditation process;
- C. Non-GMO Certification or GMO Transformation Event Certification from the Supplier/responsible officer/accredited laboratories at the country of origin/importer, when applicable;
- D. License to Operate/Certificate of Product Registration/License to Import;
- E. Location from Port of Entry to Final Destination (Cold/Dry Storage Warehouse – Name and Address); Final Destination indicated in the Inward Foreign Manifest (IFM) must be the same as the Final Destination reflected in the Electronic Request for Inspection (e-RFI) upon arrival of the Imported goods;
- F. Research Proposal/Material Transfer Agreement/Trial Protocol, if product to be imported shall be used for research and laboratory testing purposes;
- G. Other commodity specific requirements, such as but not limited to, Import Commodity Clearances, including clearances from other concerned agencies; and
- H. Other documents as may be deemed necessary by the SPS-IC issuing Agency.

Section 4. Application Procedure for SPS-IC

- A. Application form to Import and all the supporting documentary requirements, shall be filed electronically via the DA Trade System.
- B. Upon receipt of the Application Form by the concerned unit of the respective Agency, all documents shall be reviewed, and placed in “under review” status, with due consideration of the following:

1. That the exporting company or country/zone is registered/accredited by the concerned DA bureau or agency and is in "good standing";
 2. Latest advisory of the relevant international bodies and/or the exporting government on the "absence" of relevant disease/pest outbreaks, contamination and other SPS-related risks;
 3. If the applicant importer is duly licensed by the concerned DA bureau or agency and is in "good standing," except when the concerned bureau or agency determines that importer registration is not required;
 4. The registration of the product and/or its inclusion in the list of allowable commodities of the concerned DA bureau or agency, if applicable;
 5. The applicable risk management protocols that are to be prescribed including certifications of exporting governments, if applicable; and
 6. Other information pertinent to SPS concerns.
- C. If the application is incomplete or not in the proper format, the Application shall be rejected and the Applicant shall be informed accordingly to complete necessary requirements to be complied.
- D. When Application Form and all necessary supporting documents are found sufficient in form and substance, the reviewer shall electronically endorse this to the Competent Authority of the concerned Agency for the Approval and Issuance of SPS-IC.
- E. Upon approval of the SPS-IC, the importer may view and print the approved SPS-IC.
- F. The SPS-IC shall be good for one (1) shipment and shall not be transferable to any other person.
- G. Specific commodity description as reflected in the Pro-Forma Invoice.

Section 5. Must Ship Out By Date

- A. The validity of the SPS-IC shall indicate the period for which the actual product/consignment should have left the country of origin, the period of which is reckoned from the date of issuance of the SPS Clearance as follows:
1. 30 days for live, fresh and chilled fish;
 2. 45 days for other frozen and other fish and fishery/aquatic products;
 3. 20 days for fresh and chilled fruits and vegetables;
 4. 60 days for fertilizers, pesticides and other agricultural chemicals;
 5. 60 days for live animals;
 6. 90 days for animal products and by-products; meat and meat by-products; other products of animal origin, such as embryos and semen; eggs; unpasteurized milk;
 7. 60 days for animal feeds and feed ingredients; feed additives and supplements, and other feed products; animal feed premixes and drinking water medications;
 8. 60 days for other plant products, planting materials and plants; and
 9. 60 days for all other products not specified immediately above.

- B. The SPS-IC shall be valid until the *"Must Ship Out by Date"* unless sooner revoked for any valid reasons. An unused SPS Import Clearance shall be considered automatically expired/cancelled after the must ship out by date.
- C. A particular consignment of a product shall be loaded at the port of embarkation at the country of origin on or before the last day of the *"Must Ship Out by Date"* of the corresponding SPS-IC. Only such a consignment that is shipped not later than this date shall remain having a valid SPS-IC once it arrives at any date in any of the international ports in the Philippines, otherwise the consignment shall be subjected to confiscation procedures as provided for under Article V hereof.
- D. In no case shall the date of loading at the port of embarkation at the country of origin as specified in the bill of lading be earlier than the date of issuance of the SPS-IC, otherwise the consignment shall be subjected to confiscation procedures as provided for under Article V hereof.
- E. Specific plant products are covered by the *"Must Ship Out by Date"* and the *"Must Arrive Date."*

Section 6. The SPS-IC may be suspended or revoked at any time on any of the following grounds:

- A. Providing false information in the application form or in any of the accompanying documents to the application;
- B. Misdeclaration of consignment;
- C. Violation of relevant SPS and biosafety rules and regulations or any conditions imposed in the SPS-IC;
- D. Refusal to allow the inspection of the physical containment facility or intermediate destination of the product;
- E. Legal authority to commercially distribute the product in the country of origin has been suspended or revoke;
- F. New technical information becomes available to the concerned bureau or agency indicating that the product, if allowed for its intended use will result to risks to human, animal or plant health or life and the environment; or
- G. Previous violations of the importer.

Section 7. Modification, revocation or cancellation of the SPS-IC shall be without prejudice to being further subjected to penalties.

ARTICLE IV
DOCUMENT REVIEW, PHYSICAL INSPECTION, AND SAMPLING OF CONSIGNMENTS
AT THE PORT OF ENTRY

Section 1. General Guidelines

- A. Physical inspection of imported goods is undertaken to:
1. Verify the goods/consignment as declared comply with the rules, conditions and/or standards;
 2. Provide assurance, based on representative sampling, specific unwanted or harmful or regulated pests, disease or organisms are not present or that it does not exceed a specified level; and
 3. Detect the presence of unwanted or harmful pests, disease or organisms harmful to animal, plant or human health in the Philippines.
- B. The physical inspection procedure may be used on any import goods suspected of being contaminated by or harboring a regulated pest or organism either in or on the product or any goods exposed to such risks given the way the goods are packaged and presented
- C. It is the DA's preference for "joint physical inspection" of all imported agri-fishery commodities/consignments at the Port of Entry conducted jointly by all concerned DA agencies, BOC and other authorized government agencies, in duly designated inspection facilities
- D. All inspections are carried out in accordance with the procedures and standards of the relevant DA agency, bureau or authority
- E. To assist the inspection, the importer or his authorized representative shall, upon the request of the DABI or other authorized person, remove any covering from the goods, unload the conveyance or open any part of it, or open and unpack any package the DABI or other authorized person wishes to examine.
- F. Consignments found to be non-compliant with the required SPS measures shall not be cleared for release and shall be put on hold for proper disposition by the concerned regulatory agency.
- G. In case of diversion of international cargo containing meat or feed products due to unforeseen events in an emergency situation at the port of destination, such as port congestion, which leads to the unloading at alternative port, the following guidelines are hereby prescribed: (BAI-MO No. 07, 2020)
1. The Veterinary Quarantine Officer (VQO) in the alternative port of entry is authorized to proceed with the document verification of SPS-IC, Health Certificate and other documents through the DA Trade System;
 2. The issuance date and "*Must Ship Out by Date*" of SPS-IC determines the validity of this document regardless of port of entry; and
 3. VQO will process the concerned cargo in accordance with quarantine protocols.

Section 2. Obligations of the Importer and/or Authorized Representative

- A. At least forty-eight (48) hours before the arrival of a consignment at the port of entry the importer or his authorized representative shall file an Electronic Request for Inspection (e-RFI) on the online DA Trade System for submission to the concerned DA Agency.
- B. A consignment, either in bulk or consisting of a number of packages, crates or cartons containing either uniform or various unit sizes of the product container, may arrive all at one time or in several portions or batches in one (1) Port of Entry, provided the whole consignment is covered by one (1) Bill of Lading/Airway Bill.
- C. The Importer has a duty to take all reasonable steps to ensure the regulated goods and the consignment meet the conditions of the relevant SPS Import Clearance Document and any SPS rules and regulations.
- D. The importer shall be responsible for:
 - 1. The precision of information contained in the SPS-IC and the e-RFI, in any prescribed manual declaration, and in all information provided to the DA including to any employee or representative or authorized person of the DA
 - 2. The authenticity of documents
 - 3. The compliance with all the obligations inherent in the SPS Import Clearance and the placement of the goods in the SPS procedure
 - 4. The authenticity of any document/declaration submitted by an authorized representative on behalf of the importer; and
 - 5. The type and route of transport, the complete name and address of the ultimate consignee and the exact location of the final place of destination.
- E. Where a declaration is made by an Authorized Representative on behalf of the Importer, that representative shall also be bound by the obligations set out in Article VI, Section 1, Item B.
- F. Administrative, penal, and legal sanctions, including cancellation of the importer's license, shall be imposed on the Importers and their Authorized Representative who are proven to supply erroneous or fraudulent information.
- G. Where the Importer and/or his Authorized Representative either before clearance or after clearance becomes aware or suspects the consignment, the goods, the documents or any DA declaration is derogatory (in any manner) the importer and/or his authorized representative has a duty to immediately report the information and/or suspicion to the Chief Quarantine Officer (or their duly designated representative) at the first port of entry.
- H. Any import consignment or goods contained/declared within an import consignment, are unauthorized goods, when they are found to be not in compliance with the required SPS rules, regardless of whether they have been cleared for entry into the Philippines or not. This includes:

1. Goods with false, incomplete or misleading information or accompanying documents, or
 2. Goods which has not complied with necessary requirements for release, or
 3. Goods which has not complied with post-clearance conditions; or
 4. Other situations that the DA may determine.
- I. The Importer shall at no time break the DA Agency Seal and the BOC Seal (if present). The DA Agency Seal and the BOC Seal (if present), shall only be broken by the duly assigned Officer at the Cold Storage Warehouse (CSW), in the presence of the Importer, BOC Inspector (when present), CSW owner/operator/representative and Duty Free Authority representative (when applicable).
 - J. The result of the inspection will contribute to the decision as to whether the consignment meets sanitary and phyto-sanitary requirements.

Section 3. Preliminary Border Inspection

The DA Border Inspector, together with the Bureau of Customs Examiner at the Port, shall conduct routine inspection of the consignment. Depending on the result of the routine inspection which essentially involves sensory-based examination, the DABI may perform a rigid inspection of the consignment which covers chemical and microbial examination.

Preliminary Border Inspection shall be conducted by the DABI in the presence of the Importer or his authorized representative. Thereafter, the DABI shall place a stamp as "USED" on the SPS-IC, and stamped as "INSPECTED AND PASSED" on the BOC Import Entry Declaration to indicate whether the consignment is cleared for final release, on hold, for confiscation or transfer to a DA-licensed Cold Storage Warehouse for final border inspection and clearance. Likewise, the DABI shall electronically tag in the DA Trade System, the SPS-IC as "USED" and input in the Electronic Request for Inspection (e-RFI) any findings during the Preliminary Inspection.

Section 4. Mandatory Document Inspection Procedure Upon Arrival

- A. Upon the arrival of consignment, the importer or his authorized representative shall provide the Agricultural Quarantine Office at the Port of Entry, all of the required original documents as set by the respective Regulatory Agency, to wit:
 1. Hard copy of the e-RFI;
 2. Valid SPS-IC (original) or Equivalent Certificate, such as, Veterinary Health Certificate, issued by the Agricultural Quarantine Office/Competent Authority of the Country of Origin with the compliance to the conditions (if any) stated in the SPS-IC;
 3. Valid SPS-IC issued by the concerned Philippine Competent Authority;
 4. In the absence of the Importer, a photocopy of the Broker's BCC/SPA;
 5. Bureau of Customs (BOC) Import Entry Internal Revenue Declaration;
 6. Bill of Lading/Airway Bill;
 7. Commercial Invoice/Packing List and Assessment Notice associated with the said import;
 8. Certificate of Analysis for Plant Food (from country of origin);

9. GMO Certification, whenever applicable;
10. Fumigation Certificate or any other required treatment, whenever applicable; and
11. Other documents as may be required.

B. The Role of the First Border DA Border Inspector (DABI)

1. The DABI will validate the consignments from the e-RFI system against the list of consignments indicated from the Inward Foreign Manifest database to ensure that all agriculture and fisheries imports entering the country are compliant with the SPS clearance procedures. Imports appearing in the IFM database but do not have SPS Import Clearance shall be recommended to BOC for seizure and proper disposal. In the performance of said validation, the DABI, shall
 - a. Receive the e-RFI and other supporting documents set by the respective Regulatory Agency;
 - b. Review the supplied documents for completeness and suitability to assess the residual risk;
 - c. Verify compliance with food safety and SPS requirements;
 - d. Compare supplied documents against the Inward Foreign Manifest data relating to the consignment;
 - e. Assess the risk of the packaging as a vector for the entry of unwanted, harmful or regulated pests, disease or organisms;
 - f. Where practicable, utilize other information sources such as and not limited to container and bill of lading track and trace websites, IPPC and OIE websites, WTO notifications, export country rules, export and transit country seasonal conditions, export country SPS e-certification systems to assess if there is a change in risk;
 - g. Identify and consider any change in conditions, as per Article III, Section 7 of this AC, since the issuance of the relevant SPS Import Clearance; and
 - h. Note and compare the SPS-IC and the e-RFI reference number against the Bill of Lading or Airway Bill on the IFM for cargo accounting purposes.
2. In the conduct of physical inspection of the consignment, the DABI shall document on the e-RFI, the activities, outcomes and decisions from the Document Inspection.
3. The DABI may request the importer or his authorized agent to provide further information which is reasonably available to enable the DABI to assess the SPS risk of the good/s within the consignment, the consignment or the integrity of the logistics chain.
4. Should the DABI detect any sign of potential pest/disease damage, exposure or contamination, the consignment or the goods at risk within the consignment, a representative sample shall be selected for referral to examination and/or laboratory analysis and the goods shall be kept appropriately secured pending a decision to either refer the goods for treatment, destruction or reshipment or grant clearance.

5. Should any instance of non-compliance be detected, the consignment shall not be cleared for release and put on hold for proper disposition by the concerned DA Regulatory Agency. This shall be appropriately secured pending a decision on the appropriate procedure, the DABI shall take into consideration:
 - a. SPS risk of a regulated, unwanted or harmful pest, disease or organism entering the Philippine domestic environment;
 - b. Sufficient evidence of controls by the importer or his authorized representative to ensure the consignment stays intact and manages the risk diversion;
 - c. In the case of sea container, whether supporting documents record the container is securely sealed with a uniquely numbered shipping company seal or uniquely numbered competent authority seal; and
 - d. Such other factors as appropriate for the given situation.
 6. For consignments to be given clearance the DABI shall advise the importer or his authorized representative the prescribed regulatory fee, as published in the official administrative issuance as must be paid so clearance can be given. To give clearance, the 1st Border DABI, upon sight evidence of payment of the prescribed regulatory fee, shall place a stamp labeled "USED" on the SPS-IC, and stamp "INSPECTED AND PASSED" on the BOC Import Entry Declaration.
 7. The DABI shall affix a DA seal, device, fastenings or other markings at the port of entry before the consignment is transferred, following the prescribed transport procedure, to the authorized premise/final destination (DA-Licensed Cold Storage Warehouse), as indicated in the SPS-IC and the e-RFI.
 8. Prior to the transfer of the consignment to an authorized premise the 1st Border DABI will advise the 2nd Border DABI that goods have been cleared and that Inspection at authorized premise/final destination (DA-Licensed Cold Storage Warehouse), may commence upon arrival.
- C. Should the DABI receive an official covering document or official request in writing from the BOC for authorization to transfer specified goods or consignments to a Customs Bonded Warehouse, container yard or other places outside of the Customs Zone, the DABI or the Chief Quarantine Officer will assess the SPS risk of a regulated, unwanted or harmful pest, disease or organism entering the Philippine domestic environment during the transfer to determine any quarantine measures or assistance that needs to be in place prior, during or at destination to facilitate the speedy transfer of the goods. The Chief Quarantine Officer/DABI will notate and/or authorize the transfer request before the actual transfer commences.
- D. No regulated import consignment, goods or their packing materials shall be removed or caused to be removed nor transferred or caused to be transferred from the first port of entry for the purposes of entering the Philippines without the written approval of the DABI.

Section 5. Inspections at Authorized Premises (2nd Border Inspection)

A. Transport Procedure

1. The importer of goods placed under a transport procedure shall be responsible for:
 - a. Presentation of the goods and the required information or documents at the directed authorized premise within the directed time limit (where there is a required time limit), by means of any directed route, without the goods having undergone any change and without having been used or accessed and with seals, fastenings, device or identification marks intact;
 - b. Observance of the rules and regulations relating to the procedure; and
 - c. Immediate reporting to the DA any change in conditions or circumstance during the transport.
2. The transport obligations of the importer shall be met and the transport procedure shall end when the goods placed under the procedure and the required information or documents are received by the DABI at the authorized premise of destination in compliance with the procedure. The importer remains liable for ensuring the goods have met the SPS conditions.
3. The transporter who accepts goods moving under the transport procedure shall also be responsible for presentation of the goods at the authorized premise, by means of any directed route as may be specified by DA, within any directed time limit and with seals, fastenings, device or identification marks intact.

B. Physical Inspection at the Authorized Premise

1. Initial inspection of imported goods is done at the BOC Designated Examination Area (DEA). Here, the 1st Border DABI is allowed to check on the quality and quantity of the shipment based on the submitted documents by the Importer.
2. All consignments are subject to inspection at an Authorized Premise, either in a Custom Bonded Warehouse or a DA-Licensed Cold Storage Warehouse, the label "FOR TRANSFER TO (NAME AND ADDRESS OF THE AUTHORIZED PREMISE)" shall be stamped on the BOC Import Entry Declaration.
3. The 1st Border DABI shall approve the transfer of the consignment to an Authorized Premise, following prescribed Transport Procedure and inform BOC, the importer, and concerned regulatory agency, of the final destination for the inspection, as stated in the SPS-IC and the same is so reflected in the e-RFI. This decision shall be loaded into the DA Trade System.

4. The following conditions and requirements shall be strictly observed:

- a. The original container seal from the shipping lines shall not be removed, tampered or broken and 1st Border DABI shall secure it with the DA seal at the port of entry and direct such consignment to the designated Cold Storage Warehouse/Custom-bonded Warehouse for sampling and laboratory analysis.
- b. If the 2nd Border DABI stationed at Authorized Premises/DA-Licensed Cold Storage Warehouse (CSW), has reasonable cause to suspect the consignment or goods have not been transported in compliance with the Transport Procedure or have undergone any change during transfer or have been accessed during transfer, the 2nd Border DABI shall:
 1. Issue a Hold Order;
 2. Collect samples for laboratory analysis;
 3. Summon the importer to appear at the office and issue to the importer a Show Cause Order for the circumstances leading to the non-compliance with the Transport Procedure, causing damage or breaking of the DA Seal;
 4. Consider the explanation of the importer and when accepted the importer is required to submit an original affidavit of undertaking to be retained by the DA; and
 5. Upon receipt of the affidavit of undertaking, proceed on with the appropriate inspection.
- c. Consignments with derogatory/adverse findings are put on hold for proper disposition by concerned regulatory agencies. These consignments will be appropriately secured pending a decision on the appropriate procedure.
- d. DABI shall advise the importer and the BOC, if necessary, as to the results of the inspection at the accredited warehouse, and such information shall be encoded in the DA Trade System.
- e. If the importer fails to appear at the office, as summoned, or fails to provide a satisfactory explanation or fails to submit an original affidavit of undertaking within 5 working days, the 2nd Border DABI reserves the right to recommend for the confiscation of the goods in question and authorize their disposition.
- f. Based on the procedure prescribed by the particular bureaus, the concerned DABI shall conduct a full inspection of the contents of the consignment at the accredited warehouse.
- g. If signs of contamination is detected the consignment or the risk goods within the consignment a representative sample may be selected for referral to examination and/or laboratory analysis and the goods shall be appropriately secured pending a decision to

either refer the goods for treatment, destruction or reshipment or give clearance.

- h. The concerned DABI shall electronically tag in the DA Trade System, the SPS-IC used for the confiscated shipment, as "CONFISCATED" either at/or in both the preliminary and final border inspection.

Section 6. Collection of Samples for Laboratory Analysis and Quality Testing

- A. Regardless of where the goods are inspected, i.e., at the Port of Entry or at a DA-Licensed Cold Storage Warehouse:
 - 1. The 2nd Border DABI shall collect representative samples to be submitted for laboratory analysis;
 - 2. Examination and Laboratory Analysis for quality and safety shall be performed at DA Central Laboratories or other DA-accredited laboratories. Examination and laboratory analysis, shall cover, but not limited to, determination of the presence of insects, parasites, weed seeds (for plant and plant products/materials), chemical residues, heavy metals and other pathogenic microorganisms; and
 - 3. If the product/commodity arrived at a Port of Entry other than Metro Manila, the collection of its samples for inspection shall be the responsibility of the DA Regional Field Office having jurisdiction over the Port of Entry.
- B. In case some consignment may contain commodities that are regulated by two (2) or more DA Agencies, all concerned Agencies may conduct simultaneous or joint inspection and analysis of samples.
- C. The issuance of clearance for the goods shall be based on the results of the inspection and laboratory analysis of samples. If the clearance is not issued, the goods shall be subject to either Post Entry Quarantine or Disposal as provided for under Article VI of this AC. Any information regarding decisions undertaken under this Section shall be encoded in the DA Trade System.

ARTICLE V

SEIZURE, CONFISCATION, OR REFUSAL OF ENTRY OF PRODUCTS/COMMODITIES

Section 1. It shall be unlawful for any person to import into the Philippines any food which is not in conformity with applicable food quality or safety standard. Consignments shall be seized or refused transfer to a DA-Licensed Cold Storage Warehouse if, upon inspection at the port of entry, these have been found to have at least one of the following violations:

- A. The integrity of the product/commodity has been compromised based on physical appearance;

- B. The product/commodity is included in the list of prohibited importations, as provided by the Republic Act 1937, or the Tariffs and Customs Code of the Philippines, and by appropriate statutes and issuances;
- C. The product/commodity is forbidden or restricted from sale in the country in which it was produced or from which it was exported;
- D. The subject product/commodity arrived without the required SPS Import Clearance and International SPS Certificate;
- E. The subject product/commodity arrived with a fake or expired SPS Import Clearance;
- F. The subject product was entered into the Philippines illegally;
- G. There are visible signs and symptoms of pests/diseases observed during initial inspection;
- H. If the commodity, after inspection and/or laboratory tests failed to comply with or violated the terms and conditions per SPS measures, as provided in the accompanying SPS-IC;
- I. Upon laboratory evaluation and certification, the product/commodity contains hazardous chemical elements and residues, such as fertilizer and pesticide residues, antimicrobial residues; heavy metals; toxins; and, other contaminants above the maximum limit set by the Philippines, ASEAN or Codex Standards; and
- J. Other analogous circumstances that warrant refusal of entry and/or seizure of the imported subject product/commodity.

Section 2. The subject product/commodity shall also be seized if, based on physical inspection:

- A. The product/commodity fails to comply with or violates the terms and conditions embodied in the SPS-IC and in this Circular;
- B. The product/commodity is determined to be injurious, dangerous, adulterated, contaminated, noxious, misbranded, misdeclared, or unregistered;
- C. The product/commodity is found to be substandard or has material defect; or
- D. Based on the physical inspection, adverse or derogatory findings were determined by the DA Border Inspectors.
- E. General Guidelines for the seizure, confiscation and disposal of imported Meat and Meat by-Products at the Port of Entry:
 - 1. Frozen meat shall be kept at a product temperature no higher than 0°C during its handling transport, storage, distribution and sale. Meat should be transported at recommended temperatures that do not promote growth

of harmful bacteria. The conveyances and bulk containers should be designed and constructed so that it can effectively maintain temperature, humidity, atmosphere and other conditions necessary to protect food from harmful or undesirable microbial growth and deterioration likely to render it unsafe or unsuitable for consumption;

2. Imported meat showing signs of thawing (such as, but not limited to meat being soft to touch, blood drippings at the package/container; color and odor changes from thawing and refreezing or having foul/putrid smell), is indicative that the required freezing temperature of the whole container is not maintained during transport; and
3. Container with any evidence of thawed contents, whether partially or wholly, shall be automatically refused entry at the 1st Border, and disposed of in any of the following manners:
 - a. Confiscated and destroyed;
 - b. Returned to the country of origin; and
 - c. Shipped to a Third Country.

Section 3. The DA Quarantine Officer/DABI shall inform the BOC Examiner whether the subject product/commodity is for seizure or for refusal of entry. If for seizure, the product/commodity shall be seized without delay. This procedure shall also be followed in case of products/commodities in transit.

Section 4. The subject product/commodity shall be exempt from refusal of entry or seizure if such product/commodity is exported under regulations prescribed by the Bureau of Customs. Such exemption remains valid within ninety (90) days from the date of notice of such refusal or within such time as may be permitted pursuant to such regulations.

Section 5. In case of the physical inspection, the DA Quarantine Officer/Inspector shall be the one to take appropriate action after his findings and decision to seize the consignment.

Section 6. In all of these cases, the impounding and disposition shall be at the expense of the Importer.

Section 7. A Letter Request from the DA Quarantine Officer/DABI for Seizure shall state the reason/s for the seizure. Three (3) copies of the same shall be issued as follows: one (1) copy shall be given to the BOC District Collector; one (1) copy to the importer and one (1) copy shall be retained by the DA Quarantine Officer/DABI. Further, the notice shall indicate the date of condemnation and disposal of the product or commodities.

ARTICLE VI DISPOSAL OF CONSIGNMENT IN CUSTODY

Section 1. Item 4.5 of Customs Administrative Order (CAO) No. 2-2017 re: Rules and Regulations Implementing Republic Act (R.A.) No. 10845 otherwise known as Anti-Agricultural Smuggling Act of 2016, states that the seized smuggled Agricultural Products, shall be disposed of in a manner to be determined by the appropriate

regulatory agency. In the event that the regulatory agency allows the disposition of the regulated goods with commercial value and capable of legitimate use, these shall be disposed of in accordance with Section 1141 of the Customs Modernization and Tariff Act of 2016.

Section 2. Customs Administrative Order (CAO) 03-2020, Item 4.2 presents the following Modes of Disposition for goods which were entered into the country in violation of existing rules and regulations on International Trade:

- A. Public Auction. Public Auction within thirty (30) calendar days after a ten (10)-day notice or in case of Perishable Goods, as certified by the Bureau, within five (5) calendar days, after a three (3)-day notice. The Bureau shall proceed to advertise and sell the same at auction upon notice as shall be deemed to be reasonable.
- B. Donation. Donation to another government agency after approval of the Secretary of Finance or donation to the Department of Social Welfare and Development (DSWD) in case of goods suitable for shelter, foodstuff, clothing materials, or medicines.
- C. Official Use of the Bureau. Goods subject to disposition, after approval of the Secretary of Finance, and goods which remain unsold after at least two (2) public biddings, may be declared for official use of the Bureau.
- D. Negotiated sale. Goods which remain unsold after at least two (2) public biddings, that are not suitable either for official use or donation may be sold through a negotiated sale subject to the approval of the Secretary of Finance and executed in the presence of a Commission on Audit (COA) representative.
- E. Re-exportation. Re-exportation as government property of goods not disposed through public auction, donation, and official use, or of goods injurious to public health, as identified by the Board created under Section 1145 of the CMTA, upon the Order of the Collector. Re-exportation shall also be done pursuant to international agreements and treaties.
- F. Destruction or Condemnation. Destruction or condemnation in an appropriate manner, upon the order of the District Collector, if the Board created under Section 1145 of the CMTA is in the opinion that such are injurious to public health or if such is classified as prohibited in accordance with Section 118 of the CMTA except for paragraph (d) thereof.
- G. Turn-Over to Proper Government Agencies. Turnover to proper government agencies as provided in Section 1146 and Section 1147 of the CMTA.

Section 3. The concerned DA Regulatory Agency having jurisdiction over a particular agri-fishery product/s which gained unauthorized entry into the Philippines shall determine the mode or manner of which said product shall be disposed.

Disposition on disposal of seized commodities (either non-compliant, smuggled or abandoned) should be determined by the appropriate regulatory agency and should not solely follow the Modes of disposition set by BOC, as stated in Section 2.

All products or commodities covered by this A.C., imported or brought into the Philippines unlawfully shall only be disposed of in any of the following manners:

1. Seized and destroyed;
2. Return to country of origin; or
3. Shipped to a third country.

Even milled rice should not be considered for Public Auction.

Reference shall be made, but not limited, to the provisions of Republic Act 10611, 2013 (Food Safety Act of the 2013); Republic Act 10654, 2015 (Amendment to the Philippine Fisheries Code of 1998); DA Department Circular No. 04, Series of 2016 (Guidelines on the Importation of Plants, Planting Materials and Plant Products for Commercial Purposes); DA Administrative Order No. 28, Series of 2005 (Revised Rules, Regulations and Standards Governing the Importation of Meat and Meat Products into the Philippines); Republic Act No. 9296, 2004, as amended (Meat Inspection Code of the Philippines).

Section 4. All expenses (including travel, per diem or subsistence, overtime pay and premium pay) of officers or employees of the Philippine government in connection with the destruction or disposition of the seized product/commodity and all expenses in connection with the storage, cargo or labor with respect to any product/commodity refused admission shall be paid by the Importer.

Section 5. The impounding or seizure shall not be a bar to subsequent prosecution in the court of the person/s concerned in accordance with law.

ARTICLE VII APPEAL

Decisions of the concerned Bureau or Agency Head may be appealed to the DA Secretary within ten (10) days from notice of the action. The Decision of the Secretary is final and executory as provided for by law, and in accordance with the applicable relationships as specified in Chapters 7-9 of Book IV, Introductory Provisions, of the Administrative Code of 1987 (Executive Order No. 292, Series of 1987).

ARTICLE VIII FEES AND CHARGES

The current amount of fees and charges being imposed and collected by the concerned Bureau or Agency shall continue to be observed.

ARTICLE IX SANCTIONS AND PENALTIES

The existing laws and rules and regulations of the concerned bureau or agency prescribing the violations and corresponding penalties shall be applied and imposed.

ARTICLE X TRANSITORY PROVISION

All in-transit consignments shipped out from the country of origin prior to the effectivity of this Circular shall be subject to the provisions of the concerned bureau or agency's rules and regulations.

ARTICLE XI REPEALING CLAUSE

All existing administrative orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Circular are hereby repealed or modified accordingly.

ARTICLE XII SEPARABILITY CLAUSE

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

ARTICLE XIII EFFECTIVITY

This Circular shall take effect fifteen (15) days after completion its publication in the Official Gazette or in a newspaper of general circulation and its filing with the National Administrative Register, U.P. Law Center.

Done this 22nd day of June 2022.


WILLIAM D. DAR, Ph.D.
Secretary



DA-CO-ASECR-AC20220622-00005

References:

1. **Republic Act No. 3639, 1930, as amended:** Act Creating the Bureau of Animal Industry, Defining its Powers and Functions, January 1, 1930
2. **Republic Act No. 1071, 1954:** Act to Regulate the Sale of Veterinary Biologics and Medical Preparations, June 15, 1954
3. **Republic Act No. 1556, 1956:** Livestock and Poultry Feeds Act, June 16, 1956
4. **Republic Act No. 1937, 1957:** Tariff and Customs Code of the Philippines, June 22, 1957
5. **Presidential Decree No. 4, 1972, as amended:** Creation of the National Grains Authority, September 26, 1972
6. **Presidential Decree No. 1144, 1977, as amended:** Regulating the Fertilizer and Pesticide Industry in the Philippines, May 30, 1977
7. **Presidential Decree No. 1433, 1978, as amended:** Plant Quarantine Decree of 1978, June 10, 1978
8. **Executive Order No. 18, series of 1986:** Creation of the Sugar Regulatory Administration, May 28, 1986
9. **Executive Order No. 292, series of 1987:** Administrative Code of 1987, July 25, 1987 – Major structural, functional and procedural principles and rules of governance: Book IV, Title IV, Chapters 1-6 **Department of Agriculture**
10. **Republic Act No. 7394, 1992:** The Consumer Act of the Philippines, April 13, 1992
11. **Republic Act No. 8435, 1997 – Agriculture and Fisheries Modernization Act, 1997,** December 22, 1997
12. **Republic Act No. 8550, 1998:** Philippine Fisheries Code, 1998, February 25, 1998
13. **Republic Act No. 9296, 2004, as amended:** Meat Inspection Code of the Philippines, May 12, 2004
14. **DA Administrative Order No. 26, series of 2005:** Revised Regulations and standards Governing the Importation of Meat and Meat Products into the Philippines, August 31, 2005
15. **Customs Memorandum Order (CMO) No. 4-2007:** Implementation of the Memorandum of Agreement (MOA) between the Department of Finance and the Department of Agriculture on Anti-Smuggling, February 22, 2007
16. **Republic Act No. 9711, 2009:** Food and Drug Administration Act of 2009, August 18, 2009
17. **DA Administrative Order No. 9, series of 2010:** Department of Agriculture Administrative Order No. 8, series of 2009, as Amended, April 12, 2010
18. **Republic Act No. 10611, 2013:** Food Safety Act of 2013, August 23, 2013
19. **Republic Act 10654, 2015:** Amendment to the Philippine Fisheries Code of 1998 – Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing February 27, 2015
20. **Republic Act 10845, 2016:** Anti-Agricultural Smuggling Act of 2016, May 23, 2016
21. **DA Department Circular No. 04, series of 2016:** Guideline on the Importation of Plants, Planting Materials and Plant Products for Commercial Purposes, June 9, 2016
22. **Customs Administrative Order (CAO) No. 2-2017:** Rules and Regulations Implementing Republic Act (R.A.) No. 10845, Otherwise Known as Anti-Smuggling Act of 2016, May 9, 2017
23. **Customs Administrative Order (CAO) No. 3-2020:** Disposition of Seized, Abandoned and Forfeited Goods in Customs Custody, January 8, 2020
24. **DA Department Circular No. 06, series of 2020:** Rules and Regulations Governing the Importation and Exportation of Plant Food, March 20, 2020
25. **BAI Memorandum Order No. 07, series of 2020:** Veterinary Quarantine Station Port Guidelines in case of Diversion of Cargo, April 6, 2020
26. **DA Administrative Circular No. 1, series of 2021:** Mandatory Accreditation of Cold Storage Warehouse s for Agricultural and Fishery Products, February 24, 2021

