



**ADMINISTRATIVE CIRCULAR**

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**SUBJECT: SUSPENSION OF ISSUANCE OF SPS IMPORT CLEARANCE FOR IMPORTATION OF CERTAIN FISH SPECIES UNDER FAO 195**

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In order to prevent diversion to wet markets of frozen Roundscad, Bonito, Mackerel, Moonfish, Pompano and Tuna by-products imported under Fisheries Administrative Order No. 195, series of 1999 (FAO 195), the issuance of SPS Import Clearances (SPSICs) for the importation of said species for canning, processing and institutional buyers shall be subject to the following guidelines:

1. The issuance of SPSICs for the importation of Roundscad and Moonfish under FAO 195 for canning purposes is hereby suspended.
2. The issuance of SPSICs for the importation of Roundscad, Bonito, Mackerel, Moonfish, Pompano and Tuna by-products for processing purposes is hereby suspended except if the importation is to be directly undertaken by processors and by importers who supply raw materials to processors with License to Operate (LTO) issued by Philippine FDA, compliant to the Food Safety Standards provided under the Food Safety Act, and with a verifiable recording system of production. Provided that, for importers supplying raw materials to processors, the species and volume of the products to be imported and the receiving processors thereof must be pre-identified in the application of the SPSIC and shall not be allowed to be supplied to any other processor. Provided further that, for importation destined for new processors, the same shall be allowed only upon verification by BFAR of the production capacity of the new processor which shall maintain a verifiable recording system for all its importation.

For this purpose, a verifiable record of production by processors shall contain, among others, the following information:

- a. Name of importer;
- b. Cold storage facility used to store the imported fish, if any;
- c. Species and volume of raw materials delivered and the corresponding dates of deliveries;
- d. Species and volume of raw materials processed and the corresponding dates of processing;
- e. Final destination of the processed product.

The BFAR shall conduct regular verification of the above-mentioned recording system of processors and the disposition reports submitted by the importers. Moreover, the importer must make available the following documents during the conduct of verification of the disposition report by BFAR:



- a. Supply agreement or any other proof of contract with the processor;
  - b. Delivery receipt/Purchase Order with the name and complete address of processor;
  - c. Withdrawal records from the cold storage;
  - d. Local Transport Permit;
  - e. BIR monthly VAT/Percentage Tax Returns; and
  - f. Proof of ownership of Cold Storage or Cold Storage Warehouse Agreement
3. The issuance of SPSICs for the importation of Roundscad, Bonito, Mackerel, and Moonfish for Institutional Buyers shall be suspended.

The importation of Pompano and Tuna by-products for Institutional Buyers shall be allowed, provided that all of the following are met:

- A. The institutional buyer must have a verifiable recording system. For this purpose, a verifiable record of consumption by institutional buyers shall contain, among others, the following information:
    - a. Name of importer and
    - b. Species and volume of imported fish delivered and the corresponding dates of deliveries.
  - B. The importer must make available the following documents during the conduct of verification of the disposition report by BFAR:
    - a. Supply agreement, purchase order, or any other proof of contract with the institutional buyer;
    - b. Delivery receipt with the name and complete address of institutional buyer;
    - c. Withdrawal records from the cold storage;
    - d. Local Transport Permit;
    - e. Proof of ownership of Cold Storage or Cold Storage Warehouse Agreement.
4. Prior to issuance of subsequent SPSICs, all importers under FAO 195 must submit a disposition report of their previous importation to be verified by the BFAR.
5. All importations under FAO 195 shall be recorded or submitted by the importers to an electronic recording system provided or prescribed by BFAR within twenty four (24) hours from the time of delivery by the importer to the processor or institutional buyer.
6. Importers allowed to import for processing and institutional buyers shall be solidarily liable with their client processor or institutional buyer for violation of importation rules and regulations, including diversion of the imported products



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to wet markets. For this purpose, a prima facie presumption of collusion between the importer and the processor or institutional buyer to commit such violation is hereby established.

7. Accreditation of importers found liable for the aforementioned violation shall be automatically revoked.
8. Submission of false report, false information, or forged documents shall be considered as violation of import rules and regulations in relation to Section 105 of the Amended Fisheries Code.

This Order shall take effect immediately and shall remain in force unless revoked in writing. All previous issuances inconsistent with the provisions of this Order is hereby revoked.

Done this 13th day of December 2022.

  
**DOMINGO F. PANGANIBAN**  
Senior Undersecretary



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