

importer shall also indicate in the said form, 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.

B. The products and if included, their packing materials shall not be removed or transferred from the place of landing nor released to the importer without the written approval of the DA Border Inspector. Provided, that official covering document issued by the BOC allowing transfer of such cargoes to bonded warehouses, container yards and other places outside the customs zone shall first be coursed to the DA Border Inspector for notation and/or approval before actual transfer commences.

C. A consignment may be in bulk or consist of a number of packages, crates or cartons containing either uniform or various unit sizes of the product containers, arriving all at one time in one port of entry or in several portions or batches, all arriving in one port provided the whole consignment is covered only by one (1) bill of lading/airway bill.

D. Upon arrival, the consignment shall be subjected to the following DA border inspection requirements:

1. Documentation – The SPS Import Clearance, original International SPS Certificate from competent authority of the country of origin, airway bill/ bill of lading and invoice and if applicable other supporting documents that may be required by the concerned agency must be presented and surrendered to the DA Border Inspector. In the absence of an International SPS Certificate, the consignment shall be kept in a storage facility for a period not exceeding ten (10) days to allow the importer to submit said document, provided the date of the SPS certificate is not earlier than the date of the SPS Import Clearance. Failure to comply with the same within the specified period, the consignment shall be returned to the country of origin or disposed of with the expenses involving storage, return to origin or disposition of the consignment being borne by the importer.
2. Preliminary border inspection – The DA Border Inspector, together with the BOC 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 DA Border Inspector may perform rigid inspection of the consignment which covers chemical and microbial examination.
Preliminary border inspection shall be conducted by the DA Border Inspector in the presence of the importer or his authorized representative. Thereafter the DA Border Inspector shall place a stamp as “USED” on the SPS Import Clearance, 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 an accredited establishment for final border inspection and clearance. Likewise, the DA Border Inspector shall tag electronically in the DA system the SPS Import Clearance as “USED” and input any findings during the preliminary inspection.
3. Final border inspection – A final border inspection shall be conducted and/or consignment integrity is initially checked at the port and a detailed examination, i.e. sampling and laboratory analysis is further required to ensure compliance with health and safety requirements.

4. The DA Border Inspector shall electronically tag in the DA system as CONFISCATED the SPS Import Clearance used for confiscated shipment during the preliminary and final border inspection.

E. In case inspection of some products/commodities or consignment may involve two or more bureaus or agencies, the concerned bureaus or agencies shall coordinate/consult with each other in clearing said products/commodities or consignment.

**SECTION VII.
CONFISCATION AND DISPOSAL
OF REFUSED ENTRY PRODUCTS/COMMODITIES**

A. If it appears from the examination of subject product/commodity that (1) the product/commodity has been manufactured, processed or packed under unsanitary conditions or (2) product/commodity is forbidden or restricted from sale in the country in which it was produced or from which it was exported or (3) the product/commodity is adulterated, contaminated, dangerous, noxious, misbranded, misdeclared, unregistered or in violation of the terms and conditions embodied in the SPS Import Clearance; this Order and sanitary and/or phytosanitary measures; 4) arriving without the required SPS Import Clearance and International SPS Certificate; 5) using a fake SPS Import Clearance then the DA Border Inspector shall so inform the BOC examiner and such product/commodity shall be seized, confiscated or refused admission, unless such product/commodity is exported under regulations prescribed by the Bureau of Customs within ninety (90) days of the date of notice of such refusal or within such time as may be permitted pursuant to such regulations. If the product/commodity arrives at a port of entry other than Metro Manila, the collection of such samples shall be the responsibility of the regional office having jurisdiction over the port of entry.

B. Any product or commodity, at the preliminary border inspection, found to be deficient, damaged, adulterated, injurious or in violation of this order, shall be confiscated after the DA Border Inspector informs the BOC district collector of his decision for the latter's appropriate action. The same procedure shall be followed should the product/commodity be in transit. In case of final border inspection, the DA Border Inspector shall be the one to take appropriate action after his findings and decision to confiscate the consignment. In all cases, the impounding and disposition shall be at the expense of the importer.

The Secretary or his duly authorized representative may formally investigate the case and conduct a summary hearing on the proper disposition of the product/commodity. If the disposition shall have been finally decided, the same shall be at the expense of the importer.

C. A Notice of Confiscation shall state the reason/s for the confiscation, a copy of said Notice is hereto attached as Annex "C". 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 Border Inspector. Further, the notice shall indicate the date of condemnation and disposal of the products or commodities.

D. All products or commodities covered by this AO imported or brought into the Philippines unlawfully shall be disposed of in any of the following manners:

1. Confiscated and destroyed
2. Returned to the country of origin

3. Shipped to a third country

In no case shall a confiscated consignment be auctioned, redeemed, donated or sold by any government bureau or agency.

E. 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.

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

SECTION VIII. 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.

SECTION IX. Transitory Provision – All in-transit consignments of the covered products/commodities which are shipped out from the country of origin prior to the effectivity of this Order shall be subjected to the provisions of the concerned bureau or agency's rules and regulations.

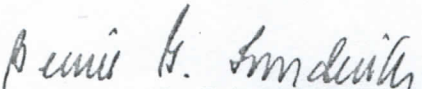
SECTION X. Non-exclusivity – All existing rules and regulations, policies, procedures and standards not inconsistent with this Order shall continue to be in full force and effect.

SECTION XI. Repealing Clause – All existing administrative orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

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

SECTION XIII. Effectivity – This Administrative Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and its filing with the National Administrative Register, U.P. Law Center.

Approved:


ATTY. BERNIE G. FONDEVILLA
Secretary

"Annex A"

Sanitary and Phytosanitary (SPS) Import Clearance

1. BAI SPS Import Clearance
2. BFAR SPS Import Clearance
3. BPI SPS Import Clearance