

[REPUBLIC ACT NO. 9280, March 30, 2004]

**AN ACT REGULATING THE PRACTICE OF CUSTOM BROKERS
PROFESSION IN THE PHILIPPINES, CREATING FOR THE
PURPOSE A PROFESSIONAL REGULATORY BOARD FOR CUSTOMS
BROKERS, AND APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and House t Representatives of the Philippines!
Congress assembled:*

ARTICLE I

TITLE, DECLARATION OF POLICY, OBJECTIVES, AND DEFINITION OF TERMS

SECTION 1. *Short Title.* — This Act shall be known as the "Customs Brokers Act of 2004."

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to give priority attention and support to professionalizing the practice of customs brokers profession in the Philippines which will be beneficial to the country in general and to the economy in particular. Pursuant to the national policy, the government shall provide a program to set up a climate conducive to the practice of the profession and maximize the capability and potential of our Filipino customs brokers.

SEC. 3. *Objectives.* — This Act provides for and shall govern:

- a. The standardization and regulation of customs administration education;
- b. The examination and registration of customs brokers; and
- c. The supervision, control and regulation of the practice of customs broker profession.

SEC. 4. *Definition of Terms.* — For purposes of this Act, the following terms are hereby defined:

- a. "Customs Broker" - is any person who is a bonafide holder of a valid Certificate of Registration/Professional Identification Card issued by the Professional Regulatory Board and the Professional Regulation Commission.
- b. "Commission" - as used in this Act shall refer to the Professional Regulation Commission.
- c. "Board" - as used in this Act shall refer to the Professional Regulatory Board for Customs Brokers.

ARTICLE II

PROFESSIONAL REGULATORY BOARD FOR CUSTOMS BROKERS

SEC. 5. *Creation and Composition of the Professional Regulatory Board for Customs Brokers.* — There is hereby created a Professional Regulatory Board for Customs Brokers, hereinafter referred to as the Board, under the supervision and administrative control of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a chairman and two (2) members who shall be appointed by the President of the Philippines from among a list of three (3) recommendees for each position submitted by the Commission from a list of five (5) nominees for each position submitted by the accredited professional organization of customs brokers. The new Board shall be constituted within three (3) months from the effectivity of this Act.

SEC. 6. *Scope of the Practice of Customs Brokers.* — Customs Broker Profession involves services consisting of consultation, preparation of customs requisite documents for imports and exports, declaration of customs duties and taxes, preparation, signing, filing, lodging and processing of import and export entries; representing importers and exporters before any government agency and private entities in cases related to valuation and classification of imported articles and rendering of other professional services in matters relating to customs and tariff laws, its procedures and practices.

A customs broker shall be considered in the practice of the profession if the nature and character of his/her employment in private enterprises requires professional knowledge in the field of customs and tariff administration. He/she is also deemed in the practice of customs broker profession if he/she teaches customs and tariff administration subjects in any university, college or school duly recognized by the government.

SEC. 7. *Powers and Functions of the Board.* — The Board shall have the following powers and functions:

- a. Promulgate, administer and enforce rules and regulations, including the Code of Ethics and Code of Technical Standards for customs brokers necessary for carrying out the provisions of this Act;
- b. Supervise and regulate the licensure, registration and practice of customs brokers profession;
- c. Determine and evaluate the qualifications of the applicants for registration with or without the prescribed licensure examinations and for the issuance of special or temporary permits;
- d. Prepare and modify the questions for examination and prescribe the syllabi of the subjects for examination and their relative weight;
- e. Register successful examinees in the licensure examination and issue the corresponding Certificate of Registration and Professional Identification Card;
- f. Issue special or temporary permits to foreign customs brokers for specific projects and for a specific duration of time;
- g. Look into the conditions affecting the practice of customs brokerage, adopt measures for the enhancement of the profession and the maintenance of high professional, technical, and ethical standards, and conduct ocular inspection of places where customs brokers practice their profession;
- h. In coordination with the Commission on Higher Education (CHED), examine the prescribed facilities of universities or colleges seeking permission to open the

course or program of customs administration in order to ensure that standards and essential requirements for a qualified dean and faculty and adequate budget are properly complied with and maintained;

- i. Investigate violations of this Act, its implementing rules and regulations, and the Code of Ethics for Customs Brokers;
- j. Issue *subpoena* and *subpoena duces tecum* to secure the attendance of respondents or witnesses or the production of documents relative to the investigation conducted by the Commission;
- k. Prepare guidelines for the continuing professional education (CPE) in coordination with the accredited professional organization; and
- l. Perform such other powers, functions and duties as may be necessary effectively implement this Act.

The policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the Board shall be subject to the review and approval of the Commission. However, the Board's decisions, resolutions or orders which are not interlocutory, rendered in an administrative case, shall be subject to review only if on appeal.

SEC. 8. *Qualifications of the Chairman and Members of the Board.* — The chairman and members of the Board must, at the time of their appointment:

- a. Be a citizen and resident of the Philippines;
- b. Be of good moral character and must not have been convicted of any crime involving moral turpitude;
- c. Be a member in good standing of the accredited professional organization of custom brokers;
- d. Be a graduate of Bachelor's Degree in Customs Administration or a holder of a Master's Degree in Customs Administration conferred by a college or university duly recognized by the government, or a registers and licensed customs broker before the effectivity of this Act;
- e. Be a registered and licensed customs broker with a valid Certificate of Registration and Professional Identification Card, with at least ten (10) years of experience prior to his appointment;
- f. Not be a member of the faculty, whether full-time or part-time, of any school, college or university where a regular and/or review course in customs administration is taught, nor shall have any pecuniary interest in such institution and
- g. Not be an incumbent officer of the accredited national organization of custom brokers.

SEC. 9. *Term of Office.* — The members of he Board shall hold office for a term of three (3) years or until their successors shall have been appointed and qualified. They may, however, be reappointed for a second term. Any vacancy in the Board shall be filled for the unexpired portion of the term only. Each member shall take an oath of office prior to the assumption of duties. The incumbent chairman and members shall continue to serve until their replacements shall lave been appointed and qualified.

SEC. 10. *Compensation and Allowances of the Chairman and Members of the Board.* — tTe chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the chairman and members of other professional regulatory boards.

SEC. 11. *Suspension and Removal of the Chairman and Members of the Board.* — The chairman or any member of the Board may be suspended or removed by the President of the Philippines upon recommendation of the Commission for neglect of duty, abuse of power, oppression, incompetence, unprofessional, unethical, immoral or dishonorable conduct, commission or toleration of irregularities in the conduct of examination or tampering of the grades therein, or for any final judgment or conviction of any criminal offense involving moral turpitude by the court after having been given the opportunity to defend himself in a proper administrative investigation.

SEC. 12. *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* — The Board shall be under the general supervision and administrative control of the Commission. All records of the Board, including applications for examination, examination papers and results, minutes of deliberations, administrative and other investigative cases involving customs brokers, shall be kept by the Commission. The Commission shall designate the secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act subject to the usual government accounting and auditing rules and regulations.

SEC. 13. *Annual Report.* — The Board shall, at the close of each calendar year, submit an annual report to the Commission, giving a detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted with the end in view of upgrading and improving the conditions affecting the practice of customs broker profession in the Philippines.

ARTICLE III

LICENSURE EXAMINATION AND REGISTRATION

SEC. 14. *Licensure Examination.* — Every applicant seeking to be registered and licensed as professional customs broker shall undergo an examination as provided for in this Act. Examinations for the practice of customs broker profession in the Philippines shall be given by the Board at least once every year in such places and dates as the Commission may designate in accordance with the provisions of Republic Act No. 8981.

SEC. 15. *Scope of Examination.* — A written examination shall be given to the licensure applicants for customs broker profession, which shall include but not limited to the following:

- a. Customs Laws and Implementing Rules and Regulations;
- b. Tariff Laws and International Trade Agreements;
- c. Practical Computation of Customs Duties, Taxes and Other Charges;
- d. Documentations, Professional Ethics, Customs Procedures and Practices; and
- e. Warehousing and Cargo Handling Operations. To conform with technological and modern changes, the Board may recluster, rearrange, modify, add or exclude any of the foregoing subjects as the need arises.

SEC. 16. *Qualifications of Applicants for Examinations.* — In order to be admitted to the licensure examination for customs broker profession, a candidate shall, at the