

[EXECUTIVE ORDER NO. 113, May 02, 2020]

TEMPORARILY MODIFYING THE RATES OF IMPORT DUTY ON CRUDE PETROLEUM OIL AND REFINED PETROLEUM PRODUCTS UNDER SECTION 1611 OF REPUBLIC ACT NO. 10863, OTHERWISE KNOWN AS THE "CUSTOMS MODERNIZATION AND TARIFF ACT"

WHEREAS, Proclamation No. 929 (s. 2020) declared a State of Calamity throughout the Philippines for a period of six (6) months due to the Corona Virus Disease 2019 (COVID-19), and enjoined all government agencies and local government units to mobilize the necessary resources to undertake critical, urgent and appropriate measures to address the crisis;

WHEREAS, Republic Act (RA) No. 11469 or the "Bayanihan To Heal as One Act," declared: (i) a State of National Emergency over the entire country; and (ii) as a State policy, the urgent need to undertake a program for recovery and rehabilitation, including a social amelioration program and provision of safety nets to all affected sectors, and to ensure that there is sufficient, adequate and readily available funding to implement such program;

WHEREAS, Section 4(ee) of RA No. 11469 granted the President temporary emergency powers to undertake such measures as may be reasonable and necessary to enable him to carry out the declared national policy under the said law;

WHEREAS, there is an urgent need to augment the Government's resources to sufficiently finance the programs and measures to mitigate the effects of the COVID-19 situation, and launch the country towards recovery and rehabilitation;

WHEREAS, Section 1608 of RA No. 10863 or the "Customs Modernization and Tariff Act" empowered the President, in the interest of general welfare and national security, and upon recommendation of the National Economic and Development Authority (NEDA), to (i) increase existing rates of import duty; and (ii) impose additional duty on all imports not exceeding ten percent (10%) *ad valorem*; and

WHEREAS, on 08 April 2020, the NEDA Board approved *ad referendum* the temporary imposition of an additional duty of ten percent (10%) on imported crude oil and refined petroleum products;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the power vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Modification of Tariff Duty. The articles specifically listed in Annex A hereof, as classified under Section 1611 of RA No. 10863, shall be subject to a temporary additional import duty of ten percent (10%), on top of their existing Most

Favored Nation (MFN) and preferential import duties, in accordance with the schedule indicated opposite each article.

Upon the effectivity of this Order, all articles specifically listed in Annex A hereof, which are entered and withdrawn from warehouses in the Philippines for consumption, shall be levied the temporary additional import duty pursuant to the foregoing.

SECTION 2. Articles Not Listed. The existing rates of import duty on tariff headings and subheadings not listed in Annex A hereof, as well as those listed but represented by the symbol "x x x," shall remain in force and effect.

SECTION 3. Reversion and Trigger Price. The modified rates of import duty under Section 1 hereof shall immediately revert to zero percent (0%) as international oil prices increase, based on trigger prices indexed to oil prices in the world market, upon a certification by the Department of Energy (DOE) that a trigger price has been reached, and the Department of Finance (DOF) has been notified of the same.

The Bureau of Customs (BOC) shall then issue the corresponding Customs Memorandum Order to effect the said reversion.

The DOE, in coordination with the DOF, Department of Trade and Industry, NEDA and BOC shall promulgate the guidelines for the effective implementation of this Section.

SECTION 4. Use of Proceeds. The Department of Budget and Management is directed to study, propose and/or take such measures as may be appropriate, to ensure that the proceeds derived from the temporary additional import duty shall be used to fund measures that address and respond to the effects of the COVID-19 situation, including social amelioration programs and such other forms of assistance for all those affected.

SECTION 5, Repeal. All other orders, issuances, rules and regulations inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 6. Separability. If any provision of this Order is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 7. Effectivity. This Order shall take effect immediately after its publication in the Official Gazette or a newspaper of general circulation, and shall remain enforceable until such time that RA No. 11469 ceases to take effect, or upon the reversion of the modified rates of import duty to 0% pursuant to Section 3 hereof, whichever is earlier.

DONE in the City of Manila, this 2nd day of May , in the year of our Lord, Two Thousand and Twenty.

(SGD.) **RODRIGO ROA DUTERTE**

By the President:

(SGD.) **SALVADOR C. MEDIALDEA**

Executive Secretary

ANNEX A

HDG. NO.	AHTN 2017 CODE	DESCRIPTION	ADDITIONAL DUTY (%)
27.09		Petroleum oils and oils obtained from bituminous minerals, crude.	
	2709.00.10	- Crude petroleum oils	10
	2709.00.20	- Condensates	10
	2709.00.90	-XXX	
27.10		Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils.	
		- Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, other than those containing biodiesel and other than waste oils:	
	2710.12	-- Light oils and preparations :	
		--- Motor spirit, leaded :	
	2710.12.11	----- Of RON 97 and above	10
	2710.12.12	----- Of RON 90 and above but below RON 97	10
	2710.12.13	----- Of other RON	10
		--- Motor spirit, unleaded :	