

[BOC CUSTOMS MEMORANDUM ORDER NO. 26-2003, August 26, 2003]

RULES AND REGULATIONS FOR THE IMPLEMENTATION OF CSO NO. 15-2003 DATED 08 JULY 2003 PURSUANT TO EXECUTIVE ORDER NO. (E.O) 218, ENTITLED "STRENGTHENING THE SUPPORT MECHANISM FOR THE PHILIPPINE DRUG ENFORCEMENT AGENCY"

OBJECTIVE

To provide operational mechanisms to ensure effective containment and interdiction of illicit traffic of dangerous drugs and controlled chemicals.

SCOPE:

This Order shall cover all Philippine ports of entry, to include all areas considered as Customs zone.

GENERAL PROVISIONS :

1. Prohibited Acts - The acts prohibited or declared unlawful under Section 4 of RA 9165 are adopted as the same acts that are prohibited by these rules.
2. Parties Liable - The parties who are liable under Section 4 of R.A. 9165 are likewise made liable under these rules.
3. Upon the filing of import, export and transshipment documents of all chemicals and pharmaceutical products, the Entry Processing Division or its equivalent office shall furnish copies of the said documents to the Task Force on Dangerous Drugs and Controlled Chemical, for statistical and monitoring purposes.
4. All shipments of dangerous drugs and controlled chemicals under the 1961 Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 U.N. Convention, a non-exclusive list is hereto attached, shall be subject to 100% examination at the Port of Entry.
5. PDEA duly issued import/export/transit authorization/permits covering importations of dangerous drugs and controlled chemicals shall be officially transmitted directly to the Deputy Task Group Commander for Operations, for dissemination and distribution to the Task Force Core Team Operations Officers concerned. In the case of outports, however, said authorizations/permits shall be transmitted directly to the Deputy Task Force Commander/ESS District Office Commander of the port concerned.
6. The following documents shall be used in clearing of all shipments of chemicals and pharmaceutical products as well as dangerous drugs and controlled chemicals mentioned in paragraph 4 hereof, to wit:

- a. Import Entry and Internal Revenue Declaration (IEIRD) Form - BC Form 236;
- b. Bill of Lading or Air Way Bill or House Bill of Lading, where applicable;
- c. Commercial Invoice;
- d. Packing List;
- e. Technical Manuals such as the Material Safety Data Sheet (MSDS) and/or Certificate of Analysis form of the port of origin for chemical shipments and Brochure/Literature for pharmaceutical shipments as per CMC 210-93;
- f. Permits, Clearances. Licenses from government agencies concerned; and
- g. Other documents as may be required.

7. All shipments mentioned in Paragraphs 3 and 4 hereof shall be declared in the import , export and transshipment documents in sufficient detail for proper identification and classification in accordance with CMO 46-94 utilizing tariff terms as stated in the TCCP or terminologies/chemical nomenclature contained in published chemical and pharmaceutical dictionaries and manuals such as but not limited to the condensed Chemical Dictionary (Hawley's Merck Index, the United States Pharmacopoeia, the Japanese Pharmacopoeia, and the Chemical Abstract Service.

8. Selectivity System for chemicals and pharmaceutical products not included in the attached list of dangerous drugs and controlled chemicals:

8.1 For ports where the Automated Customs Operations System (ACOS) is in operation.

8.1.a. If hit RED - the working copy of the import entry and its supporting documents shall be forwarded by the COOIII to the Task Force Core Team Operations Officer who shall subject the documents to rigid document verification and assign a Task Force Core Team Member to witness the mandatory 100% examination of the shipment. A **Clearance** shall be issued by the Task Force Commander/District Collector allowing the continued processing of the entry and the release of the shipment.

8.1.b. - If hit YELLOW - the shipment shall be subject to rigid document verification by the assigned COOIII. If in doubt, the concerned COOIII may cause the examination of the shipment in the presence of a Task Force Core Team Member.

In the latter case, a **Clearance** shall be issued by the Task Force Commander/District Collector allowing the continued processing of the entry and the release of the shipment.

8.1.c. If GREEN Channel - After the processing of the entry, the shipment may be released except when an Alert/Hold Order has been issued.

8.2 For ports which are not equipped with ACOS, and where the Selectivity System does not apply, Paragraphs 3 and 4 hereof shall be strictly followed.

8.3 If the shipment is coursed through the SUPER GREEN LANE channel, a copy of the complete set of documents with all the attachments, shall be submitted to the

Task Force Commander for Operations simultaneous with the submission of the same to the Bureau of Customs.

9. Recording

9.1 The Deputy Task Force Commander/ESS District Commander of each port shall have the responsibility of maintaining separate logbooks for shipments mentioned in Paragraphs 3 and 4 above by using the official logbooks to be provided by the Deputy Task Group Commander for Operations.

9.2 Import documents of all shipments under Paragraph 4 above and those referred by COOIII under Paragraphs 8.1.a and 8.1.b hereof, shall be stamped "RECORDED" by the Task Force Core Team Operations Officer, who shall affix his/her signature on the space on the stamp provided for that purpose, and shall indicate the time and date of the recording and verification. He shall likewise obtain a photocopy of the complete set of import documents to be submitted to the Deputy Task Group Commander for Operations, for filing.

10. Examination

10.1 Upon receipt of the import documents of shipments under Paragraph 4 above and those falling under Paragraphs 8.1.a. and 8.1.b, the COOIII assigned shall coordinate with the Task Force Core Team Operations Officer/Deputy Task Force Commander for Operations, who shall assign a Task Force Core Team member to witness the examination and shall submit a report of his findings to the Task Force Core Team Head for recording in the official logbook.

10.2 If after examination and document verification, shipments under Paragraph 4 and those referred under Paragraph 8.1.a and 8.1.b. were found to be in order, the Task Force Commander shall immediately issue clearance for its release. Accordingly, the Task Force Core Team Operations Officer shall stamp boldly the word "**USED**" across the corresponding Import Permit/Certificate issued to shipments under Paragraph 4 above, indicating the Entry Number and the date and time of such cancellation.

10.3 If the shipment is unlabelled/mislabelled or a discrepancy has been noted in the physical properties of the shipment, the Task Force Core Team member assigned shall cause the issuance of an Alert Order pursuant to CMO 104-92 and samples shall be obtained following established sampling procedures for laboratory analysis by the Philippine Customs Laboratory and/or the DDB/NBI/PNPCL. The Task Force Commander may solicit the services of other competent and accredited laboratories, public and/or private, as the case may be. Under the aforementioned circumstances, expenses incurred in the conduct of the laboratory analysis shall be borne by the consignee.

11. Reporting

11.1 For centralized recording of shipments under paragraph 4 hereof, it shall be the duty of the officials mentioned in Paragraph 5 above to transmit to the Task Group Deputy Commander for Operations thru the Task Force Commander, all used PDEA/DDB Permits with the accompanying "Return" duly accomplished and signed, every Monday of the week and all unused DDB/PDEA permits, within six (6) months for controlled chemicals, and within one (1) year for dangerous drugs, from issuance