

**[BOC MEMORANDUM ORDER NO. 17-2000,
November 22, 2000]**

**GUIDELINES ON THE TRANSFER OF OVERSTAYING CARGOES
FROM THE SOUTH HARBOR TO ATI-ICD CALAMBA
IMPLEMENTING THE MEMORANDUM OF AGREEMENT BETWEEN
THE BUREAU OF CUSTOMS AND ASIAN TERMINALS, INC.**

1. OBJECTIVES

1.1 To decongest the port so as to provide for more cargo space and enhance the revenue generating capability of the Port of Manila;

1.2 To accelerate cargo movement and improve productivity at the South Harbor;

1.3 To optimize the utilization of the Vehicle Tracking System (VTS).

2. SCOPE - This Order shall apply to overstaying cargoes, particularly to all dry containerized cargoes which have stayed in the port for sixty (60) days or more.

3. GENERAL PROVISIONS

3.1 Only trucks equipped with a Vehicle Tracking System (VTS) shall be utilized in the transfer of overstaying cargoes from South Harbor to ATI-ICD Calamba.

3.2 Computer systems must be installed and provided by ATI to the Bureau to handle the documentation, inventory, records keeping and audit trail of all transfers to and releases from the ICD, without prejudice to the established procedures on the On-Line Release System (OLRS).

3.3 Containers to be transferred shall be covered by the necessary insurance policy, to be procured by ATI, against possible loss or damage of the cargoes while in transit to or storage at the ICD. Said insurance shall answer for the value of the shipment plus the duties and taxes that may be due thereon. In the absence of definitive documentary basis such as entry or invoice for determining the amount, ATI shall be liable for the value of the cargo plus the duties and taxes, and the duties and taxes payable to the Bureau shall be not lower than PHP 200,00/TEU.

3.4 ATI-ICD Calamba shall allocate a designated area for the containers subject of this Order to prevent them from being co-mingled with other ICD cargoes.

3.5 As a general policy, no inspection/spot-checking of containers shall be conducted prior to transfer unless a particular container is subject of a derogatory information.

3.6 A complete listing of all overstaying cargoes shall be prepared by ATI on a weekly basis, containing pertinent data such as name of importer, description of articles, vessel, Registry No., B/L No., and other shipment details, and shall be furnished to the District Collector, Deputy Collector for Operations, Directors, Port Operations Service, ESS and CIIS.

3.7 The Customs Intelligence and Investigation (CIIS) shall form a special CIIS-VTS Unit to monitor the transfer operations.

3.8 No transfer shall be allowed without the approval of the Deputy Collector for Operations.

4. OPERATIONAL PROVISIONS

4.1 PROCESSING AND APPROVAL OF REQUEST

4.1.1 ATI shall file with the Office of the Deputy Collector for Operations (DCO) an ATI-Request to Transfer Overstaying Cargoes (ATI-RTOC), sample form attached as Annex "A". The ATI-RTOC shall contain the list of shipments to be transferred including the particulars thereof.

4.1.2 Immediately upon receipt of the ATI-RTOC, the DCO shall simultaneously provide copies of the same to the Directors, CIIS and ESS for the necessary risk assessment and evaluation of the cargoes to be transferred based on intelligence data. The CIIS and ESS shall indicate their concurrence or objection, if any, to the proposed transfer of a particular container/s not more than forty-eight (48) hours from the time the transfer request was received by their respective offices. Failure to respond within the said period shall be construed as "no objection" to the request.

4.1.3 The DCO approves request, if in order, by affixing his signature on the space provided for in the form.

4.1.4 Upon approval by the DCO, the OLRs operator lifts the Duty Stop and prints in the REMARKS portion: "Transfer to ATI-ICD Calamba". He then distributes the approved ATI-RTOC, as follows:

Sheet # 1	-	Piers and Inspection
Division (PID)		
Sheet # 2	-	ATI
Sheet # 3	-	DCO
Sheet # 4	-	CIIS-VTS Unit

4.1.5 The Chief, PID, upon receipt of his copy (Sheet # 1) shall transmit the same to the Customs Gatekeeper.

4.2 TRANSFER PROCEDURE

4.2.1 ATI prepares the Transferred Containers Monitoring Report (TCMR) in two (2) copies and mounts cargoes onto the