

**[CUSTOMS MEMORANDUM ORDER NO. 35-2015,
October 09, 2015]**

**REVISED RULES FOR THE ELECTRONIC/MANUAL ISSUANCE AND!
LIFTING OF ALERT ORDERS AT ALL PORTS OF ENTRY**

Adopted: 23 September 2015

Date Filed: 09 October 2015

I. Objectives

This Order is issued for the following purposes:

- 1.1 To protect the integrity of the Alert Order System;
- 1.2 To promote transparency and accountability in the execution of duties and responsibilities with regard to the issuance/lifting of Alert Orders;
- 1.3 To avoid bureaucratic red tape and protect legitimate importers against unnecessary delay in the release of their lawful importations; and
- 1.4 To provide clear guidelines and procedures in the processing of shipments that is/are subject of an Alert Order.

II. Coverage

This Order shall apply to ALL shipments unloaded at all ports of entry under the jurisdiction of this Bureau.

III. General Provisions

3.1 An Alert Order is issued to enjoin all concerned customs personnel to be cautious and thorough in the examination of the alerted shipment and its accompanying import documents in order to verify derogatory information or suspected violation of the shipment.

3.2 The following Officers are hereby authorized to issue Alert Orders:

- 3.2.1 The Commissioner of Customs;
- 3.2.2 The Deputy Commissioner, Intelligence Group (IG);
- 3.2.3 The Deputy Commissioner, Enforcement Group (EG);
- 3.2.4 The Deputy Commissioner, Assessment and Operations Coordinating Group (AOCG). On issues concerning rules of origin, valuation and classification of goods; and
- 3.2.5 All District Collectors, for shipments arriving within their District, including sub-ports within their District.

3.3 The authority to lift Alert Orders shall only be exercised by the District Collectors concerned, by authority of the Commissioner. Provided further, the Commissioner of Customs may lift, motu proprio, Alert Orders issued by other Alerting Officers.

3.4 Only the Office of the Commissioner can issued Alert Orders for the following shipments:

3.4.1 Shipments under the Super Green Lane (SGL); and

3.4.2 Request for issuance of Alert Order from other government agencies.

The Alerting Officer/s who finds sufficient reason to issue an Alert Order against shipment/s under SGL or upon request of other government agencies, shall make a recommendation to the Commissioner of Customs for the issuance thereof.

3.5 Subject to the written approval of the Commissioner, the Deputy Commissioners of the Intelligence Group, Enforcement Group and AOCG shall in their absence, authorize or delegate power to issue Alert Order to Service Directors under their respective groups, and the District Collector to any of his/her respective Deputy Collectors.

3.6 The Alerting Officer shall be given unique usernames and passwords to the e2m system. The Alerting Officers are strictly enjoined from using usernames and passwords other than those given names.

3.7 Shipments can only be held through a validly issued Alert Order. Any request to hold in abeyance the entry processing of a shipment, by any official/employee, in any form is PROHIBITED. Any official, employee or person who aides in detaining a shipment in a manner not a compliant with this Order shall be subject to administrative and criminal actions.

3.8 MANUAL Alert Orders may only be issued under any of the following instances:

3.8.1 The e2m Customs system is NOT accessible;

3.8.2 For unmanifested cargoes/shipment;

3.8.3 For entries processed under Informal Entry; and

3.8.4 For export cargoes.

3.9 No Alert Order shall be issued against shipments which have already been tagged in the On-Line Release System (OLRS). The Alerting Office who finds reasonable grounds to hold a shipment already tagged in the OLRs, shall make a recommendation to the Office of the Commissioner for issuance of "Special Stop".

3.10 For shipments arriving in the International Airports, the House Airway Bill must be specified in the Alert Order.

3.11 Once an Alert Order is issued, the shipment or any part of it shall NOT be released until:

3.11.1 100% physical examination has been conducted; and

3.11.2 The Commissioner of Customs or the District Collector concerned by authority of the Commissioner has ordered its release, copy furnished the Alerting Officer.

3.12 A shipment or any part thereof already alerted and examined in accordance with this order shall NOT be subjected to another alert or examination. Only the Commissioner of Customs can have a shipment re-examined.

3.13 The Office of the Commissioner shall have direct access to the e2m Alert System for monitoring of all electronically issued Alert Orders.

IV. Procedure for Issuance of Alert Orders

4.1 In case of an Electronic Alert, the Alerting Officer shall first issue the Alert Order in the e2m Alert System with the accomplished prescribed Alert Order Form (Annex "A") in quadruplicate copies.

4.2 In case of Manual Alert, the Alerting Office shall submit within twenty-four (24) hours from its issuance, the duly accomplished quadruplicate copies of the Alert Order Form (Annex "A") to the Office of the Commissioner and shall send copies thru electronic mail at ocomstaff@yahoo.com or ocomstaff@gmail.com and facsimile at (02) 527-1935.

V. Procedure for the Implementation of Alert Orders

5.1 The Alerting Office, shall within the same day of issuance of Alert Order shall disseminate/distribute the same thru personal service, electronic mail and facsimile, to the following:

5.1.1 The District Collector where the alerted shipment is located;

5.1.2 Customs Wharfinger;

5.1.3 Customs Gatekeeper;

5.1.4 Arrastre Operator or its equivalent; and

5.1.5 Consignee, broker or their authorized representative within twenty-four (24) hours from the issuance thereof. In case personal service, electronic mail and facsimile of the Alert Order cannot be made to the consignee, broker or their authorized representative, the corresponding Alert Order shall be posted at the port's bulletin board or in any conspicuous place within the port of discharge for three (3) consecutive days. After the lapse of the three-day period and the consignee, broker or their authorized representative fails to coordinate with the Alerting Office, the latter may cause examination of the alerted shipment, without the consignee, broker or their authorized representative.

5.2 The District Collector shall, within twenty-four (24) hours from receipt of the Alert Order, assign a Customs Examiner, who shall perform of the following functions:

5.2.1 Determine if the shipment has been released from Customs, or if the shipment has been transferred to another Customs Bonded