

**[BOC CUSTOMS MEMORANDUM ORDER NO. 16-95,
June 27, 1995]**

**PROCEDURES IN THE FILING, EVALUATION OF AND
PROCESSING OF APPLICATION FOR TENTATIVE RELEASE OF
SHIPMENTS WITH DELAYED CRFS**

1.

Objectives

- 1.1 To avoid difficulties in the clearance of shipments covered by this order.
- 1.2 To insure that the cases involving shipments tentatively released because of delayed CRF are properly disposed of within a reasonable period.
- 1.3 To prevent misrepresentation of "delayed CRF" designed to avoid payment of full duties and taxes collectible.

2.

Coverage

This Order shall cover shipments complying with the required Pre-Shipment Inspections under the Comprehensive Import Supervision Service (CISS) but for reasons not attributable to the shipper/importer, the transmittal from abroad and/or receipt in the Manila Liaison Office (MLO) of the Clean Report of Findings (CRF) have been delayed.

3.

General Provisions

3.1 Applications for tentative release citing as reason Delayed Transmittal/Receipt of CRF may be granted only when the following shall have been established:

3.1.1 The shipment has undergone pre-shipment inspection under CIIS and Five (5) working days has lapsed from date of submission by shipper/importer of all documentary requirements to the SGS affiliate without the CRF being received at the MLO as evidenced by the SGS MLO's indorsement of the application for Tentative Release;

3.1.2 The shipment is not attendant with any violation evidencing prima facie fraud; and

3.1.3 The shipment is covered by an Import Advice Notice.

3.2 Approval of the Tentative Release for Shipments with delayed CRF must comply with the following terms and conditions:

3.2.1 Regular examination of the shipment;

3.2.2 Payment of full duty and tax based on the highest available value in the VALSEE, previous CRF or other value information on file; and

3.2.3 Posting of a 60-day Post Dated Check (PDC) in amount equivalent to 120% of landed cost.

4.

Administrative Provisions

4.1 The Chief, FED or equivalent unit, of the Port shall be authorized to approve request for the tentative release of SGS-certified pre-inspected shipments with delayed CRFs, subject to compliance with all the requirements, conditions and procedural steps prescribed under this Order. The FED Chief shall have responsibility for monitoring all approved tentative releases to insure their proper resolution.

4.2 To secure government revenue, the importer shall be required to submit a PDC payable to the Bureau of Customs which shall be deposited with the Cash Division under provisional receipt.

4.3 The Chief, Cash Division shall monitor the PDC's issued to prevent staling of checks and/or insure proper disposition.

4.4 Upon subsequent receipt of the CRF, where the valuation and/or classification on the CRF are/is contested by the importer, the case shall be referred to the BOC-SGS Import Valuation and Classification Committee subject to pertinent provisions of CMO No. 3-95.

4.5 Where the claim of a delayed CRF is found to be misrepresented, such as the requisite CRF actually has been issued, the shipment shall be treated as fraudulent and subject to seizure or forfeiture of the PDC.

4.6 It shall be the joint responsibility of the importer/SGS MLO to submit to the Chief, FED the delayed CRF as soon as possible, not more than within 30 days of the application for Tentative Release.

5.

Operational Provisions

5.1 The following steps shall be followed in the filing, evaluation and processing of tentative release requested for shipment with delayed CRFs:

Step I

The importer shall accomplish and execute under oath the letter request for Temporary Release/Undertaking shown in Annex "A" hereof, the requirements therein being deemed as forming an integral part of this Order and submit the same directly to the Chief, FED/equivalent unit, together with the Import Entry and its supporting documents.

Step 2

The Chief, FED/equivalent unit, upon receipt of the Importer's Letter-request for Tentative Release/Undertaking, evaluate whether or not the request satisfies the condition in 3.1 (3.1.1 to 3.1.4). If the conditions are not met, the request shall be denied and the papers held in abeyance until receipt from SGS and the importer of the CRF in which case, regular