

Joint Department Order (JDO)
No. _____

**SUBJECT: CREATION OF A ONE-STOP-SHOP (OSS) FACILITY FOR RELIEF
CONSIGNMENT**

INTRODUCTION. This Joint Department Order (JDO) implements Sections 120 and 121, Chapter IV, Title I; and other related provisions of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA).

Section 1. Scope. This covers importations of relief goods, donated or leased to government institutions and duly accredited private entities for free distribution to or use of victims of calamities upon declaration of a national State of Calamity.

Section 2. Objectives.

- 2.1.** To facilitate the processing of Relief Consignments for free distribution and use of calamity victims in calamity-declared areas by prescribing simplified joint operational guidelines in the documentation and clearance thereof;
- 2.2.** To prevent the use of Relief Consignment as a conduit for smuggling and other fraud upon Customs; and
- 2.3.** To ensure transparency and integrity in the handling and monitoring of the release of Relief Consignment.

Section 3. Definition of Terms. For purposes of this JDO, the following terms are defined accordingly.

- 3.1. Bureau** – refers to the Bureau of Customs.¹
- 3.2. Government Institution or Agency** – refers to any of the various units of the Government of the Republic of the Philippines, including a department, bureau, office, instrumentality or government-owned and-controlled corporation (GOCC), or a local government or a distinct unit therein.²

¹ CMTA, Title I, Chapter 2, Section 102 (i).

² cf. RA 10149, Section 3 (k).

3.3. One-Stop-Shop (OSS) – refers to a facility composed of different government agencies, created to expedite the processing of Relief Consignments for free distribution and use of calamity victims.

3.4. Prohibited Importation – the importation of the following goods are prohibited:

- a. Written or printed goods in any form containing any matter advocating or inciting treason, rebellion, insurrection, sedition against the government of the Philippines, or forcible resistance to any law of the Philippines, or written or printed goods containing any threat to take the life of, or inflict bodily harm upon any person in the Philippines;
- b. Goods, instruments, drugs and substances designed, intended or adapted for producing unlawful abortion, or any printed matter which advertises, describes or gives direct or indirect information where, how or by whom unlawful abortion is committed;
- c. Written or printed goods, negatives or cinematographic films, photographs, engravings, lithographs, objects, paintings, drawings or other representation of an obscene or immoral character;
- d. Any goods manufactured in whole or in part of gold, silver or other precious metals or alloys and the stamp, brand or mark does not indicate the actual fineness of quality of the metals or alloy;
- e. Any adulterated or misbranded food or goods for human consumption or any adulterated or misbranded drug in violation of relevant laws and regulations;
- f. Infringing goods as defined under the Intellectual Property Code and related laws; and
- g. All other goods or parts thereof which importation are explicitly prohibited by law or rules and regulations issued by the competent authority.³

3.5. Registered Private Entities – refer to private entities that are duly accredited by the DSWD to accept Relief Consignments and conduct relief operations.

³ cf. CMTA, Title I, Chapter 3, Section 118.

3.6. Regulated Importation – goods which are subject to regulation shall be imported only after securing the necessary goods declaration, clearances, licenses, and any other requirements, prior to importation. In case of importation, submission of requirements after arrival of the goods but prior to release from customs custody shall be allowed but only in cases provided for by governing laws or regulations.⁴

3.7. Relief – refers to the provision of interventions to alleviate, ease and/or mitigate a distressed and/or critical situation affecting persons, families, group or communities.⁵

3.8. Relief Consignment – refers to importation of relief goods not subject to taxes and duties, such as but not limited to food, medicine, equipment and materials for shelter, donated or leased to government institutions and accredited private entities for free distribution to or use during a national state of calamity and intended for a specific calamity area for the use of the calamity victims.⁶

It includes vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, water purifying and water storage items, or other goods of prime necessity, forwarded as aid to those affected by disaster and all equipment, vehicles and other means of transport, specially trained animals, provisions, supplies, personal effects and other goods for disaster relief personnel in order to perform their duties and to support them in living and working in the territory of the disaster throughout the duration of their mission.⁷

3.9. Restricted Importation – except when authorized by law or regulation, the importation of the following restricted goods are prohibited:

- a.** Dynamite, gunpowder, ammunitions and other explosives, firearms and weapons of war, or parts thereof;

⁴ cf. CMTA, Title I, Chapter 3, Section 117.

⁵ cf. DSWD AO No. 53, s.2003.

⁶ cf. CMTA, Title I, Chapter 4, Section 120 and 121.

⁷ cf. RKC, Specific Annex J, Chapter 5.

- b.** Roulette wheels, gambling outfits, loaded dice, marked cards, machines, apparatus or mechanical devices used in gambling or the distribution of money, cigars, cigarettes or other goods when such distribution is dependent on chance, including jackpot and pinball machines or similar contrivances, or parts thereof;
- c.** Lottery and sweepstakes tickets, except advertisements thereof and lists of drawings therein;
- d.** Marijuana, opium, poppies, coca leaves, heroin or other narcotics or synthetic drugs which are or may hereafter be declared habit forming by the President of the Philippines, or any compound, manufactured salt, derivative, or preparation thereof, except when imported by the government of the Philippines or any person duly authorized by the Dangerous Drugs Board, for medicinal purposes;
- e.** Opium pipes or parts thereof, of whatever material;
- f.** Any other goods whose importation are restricted;⁸
- g.** Weapons of mass destruction and goods included in the National Strategic Goods List (NSGL) as provided under Republic Act No. 10697 or the Strategic Trade Management Act (STMA); and
- h.** Toxic and Hazardous goods under Republic Act No. 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990."

The restriction to import the above stated goods shall include the restriction on their transit.

3.10. State of Calamity – refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human induced hazard.⁹

⁸ cf. CMTA, Title I, Chapter 3, Section 119.

⁹ cf. Republic Act 10121, Section 3 (II).

Section 4. General Provisions.

4.1. One-Stop-Shop (OSS)

- 4.1.1.** An OSS shall be established and institutionalized in the Bureau to be headed by the Department of Finance (DOF) and composed of representatives from the Bureau of Customs (BUREAU), Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Foreign Affairs (DFA), Department of Agriculture, Department of National Defense and other government agencies concerned in the issuance of permits and licenses, documentation and processing of Relief Consignments, for immediate release from customs custody.
- 4.1.2.** The main OSS facility shall be located at the Ninoy Aquino International Airport (NAIA) Collection District. Satellite facilities may also be established in the port nearest the area where the calamity occurred.
- 4.1.3.** The operations of the OSS shall be activated upon the declaration of a national State of Calamity. The Commissioner of Customs shall direct the District Collector of NAIA Collection District to determine the specific area where the OSS shall conduct its operations. The BUREAU component of the One-Stop Shop shall be responsible for coordinating with other government agencies concerned in the processing and documentation of donated relief consignments to effect the immediate release from customs custody.
- 4.1.4.** Upon activation, the different government agencies concerned shall send their authorized representatives to the ports where the OSS facilities are identified to operate;
- 4.1.5.** The full complement of the OSS shall be on a twenty-four hour (24) basis seven (7) days a week, up to a maximum period of three (3) months unless said declaration is lifted earlier or extended by the President;

4.1.6. All agencies concerned shall issue their respective detailed internal implementing guidelines relative to Relief Consignment including the identification of specific offices in their departments directly concerned in the processing of Relief Consignments at the OSS.

4.2. Simplified Clearance Procedure at the OSS. The Bureau of Customs shall ensure that simplified clearance procedure shall be adopted by the OSS. This includes the provision for:

- a.** Lodging of a simplified goods declaration or of a provisional or incomplete goods declaration subject to completion of the declaration within a specified period;
- b.** Lodging, registering and checking of the goods declaration and supporting documents prior to the arrival of the goods, and their release upon arrival;
- c.** Clearance beyond the designated hours of business or away from customs offices and waiver of any corresponding charges; and
- d.** Examination or sampling of goods only in exceptional circumstances.¹⁰

4.3. Registration of Private Entities. Private entities which intend to avail of the privilege in the importation of Relief Consignments shall apply for registration at the DSWD, provided that, clearance from the respective regulatory government agencies to prove that they are allowed to import the regulated goods shall be secured prior to the application, and provided further that, the private entities must have already been accredited prior to the declaration of national state of calamity.

For this purpose, the DSWD shall establish the guidelines in the registration and shall maintain a centralized record of all accredited private entities entitled to import tax and duty-free relief consignments.

4.4. All importations of relief goods for distribution to calamity declared areas and victims of calamities and disasters, shall be for the account

¹⁰ cf. CMTA, Title I, Chapter 4, Section 120.

of the DSWD, other government agencies or ~~other~~ accredited private entities.

- 4.5.** The DSWD shall establish its own guidelines in the processing and clearance of other relief consignments destined to other entities which are not accredited by that Office.
- 4.6.** The DSWD shall likewise determine what goods are immediately needed and who may qualify to be the importer of the goods for purposes of customs clearance and eventual distribution to the victims.
- 4.7.** The recipient of Relief Consignments or his authorized representative shall submit to the Bureau a fully-endorsed OSS-Relief Consignment Supplemental Form prior to release of the goods.

Section 5. Operational Provisions.

- 5.1.** To facilitate immediate release of the relief goods, the following requirements shall be submitted to the OSS for issuance of the approved OSS-Relief Consignment Supplemental Form:
 - a.** Letter of Intent to Donate the Goods;
 - b.** Photocopy of the Informal Import Declaration and Entry (IIDE);
 - c.** Bill of Lading or Airway Bill;
 - d.** Packing List and/or Commercial Invoice;
 - e.** Written Undertaking to re-export temporarily admitted goods; and
 - f.** Other documents that may be required by the One-Stop Shop.
- 5.2.** Prior to arrival of the shipment, the donor, intended donee or its duly authorized representatives shall inform the Bureau of the incoming donation.
- 5.3.** The letter of intent to donate the goods and the shipping or commercial documents such as bill of lading or airway bill, packing list and invoice shall be submitted to the OSS for evaluation.
- 5.4.** In case of discrepancy in the name of the consignee appearing in the importation documents or where the intent to donate the goods to calamity-declared areas and victims of disasters or calamities is satisfactorily shown by sufficient documents, the OSS shall cause the

correction upon submission by the original consignee of a notarized waiver and deed of undertaking. Amendments to the Inward Foreign Manifest covering shipments falling under this Order shall likewise be filed with the OSS. For this purpose, a representative from the Office of the Deputy Collector for Operations of the concerned Collection District must also be assigned to the OSS.

- 5.5.** Upon favorable endorsement of the DSWD (food and clothing); DOH, BFAD (medicines and other pharmaceutical products); DA (agricultural products in its natural state) and DND (rehabilitation equipment), and upon certification by the DOF of their tax and duty free status, the OSS shall process and issue the necessary endorsement or clearance for the release of the imported donated relief articles.
- 5.6.** Within twenty-four (24) hours from filing of the entry, the Bureau shall release the donated goods, articles or equipment to the DSWD or DSWD Registered private entity subject to compliance with existing laws, rules and regulations.
- 5.7.** Receipt of importations consigned to any DSWD registered private entity shall be jointly acknowledged by DSWD and the registered private entity prior to release
- 5.8.** In cases where documents and information are lacking to complete the goods declaration, consignee may lodge a provisional goods declaration with the commitment or undertaking that it shall submit the other required documents to the Bureau within fifteen (15) days from release of the shipment from customs custody.
- 5.9.** Prohibited importations shall ipso facto be forfeited in favor of the government pursuant to applicable existing Customs law, rules and regulations. Relief Consignments of Regulated Goods or Restricted Goods shall be allowed provided that the shipments are cleared by the concerned regulatory government agencies upon arrival.

Section 6. Reportorial Requirements.

- 6.1.** The Bureau shall report to the DOF the number of Informal Entry Goods declaration lodged, processed and released from all OSS on a weekly basis with the following information, but not limited to:
- a.** Port of Entry;
 - b.** Name of Donor;
 - c.** Name of Donee;
 - d.** Description of Goods;
 - e.** Total Volume in kilogram;
 - f.** Total Value in Peso;
 - g.** Total Foregone Revenue; and
 - h.** Other information that may be required.
- 6.2.** All government agencies involved in the delivery of Relief Consignments shall submit a report to the DOF and DSWD, within 120 working days from the deactivation of the OSS.

Section 7. Liability and Safeguard against Abuse. Violations of this Order committed by any person, officer or employee shall be penalized in accordance with Title XIV of the CMTA and other applicable penal provisions.

Section 8. Repealing Clause. This JDO specifically amends or repeals previously issued CAOs, CMOs and other rules and regulations which are inconsistent with the provisions hereinstated.

Section 9. Review. Unless otherwise provided, this Order shall be reviewed annually and amended or revised, if necessary.

Section 10. Effectivity. This JDO shall take effect fifteen (15) days after its complete publication in the Official Gazette or a newspaper of general circulation.

The Office of the National Administrative Register (ONAR) of the UP Law Center shall be provided three (3) certified copies of this JDO.

CARLOS G. DOMINGUEZ III

Secretary
Department of Finance

JUDY M. TAGUIWALO

Secretary
Department of Social Welfare
and Development

Informational Section.

History. This is the first JDO dealing on Relief Consignment.

Related Policies.

- PMO 36 dated September 9, 1992 - Authorizing the Importation and Donation of Food, Clothing, Medicine and Equipment for Use in the Government Relief and Rehabilitation Programs For Calamity-Affected Areas Under Section 105 of the Tariff and Customs Code of the Philippines, As Amended, and the Applicable Provisions of the Prevailing General Appropriations Act Covering the National Internal Revenue Taxes and Import Duties of the National and Local Government Agencies and Establishing A Special Facility Therefor.
- DSWD AO 53-2003 dated April 14, 2013 - Omnibus Guidelines in the Management and Processing of Donations
- CMC 328-2003 dated October 6, 2003 - DSWD Certification on the Management and Processing of Donations
- E.O. 831 dated October 01, 2009 - Authorizing the Department of Finance, for the Duration of the Current Emergency, Complete Discretion in Authorizing Tax and Tariff Exemptions for Relief Goods Donated from Abroad
- CMO 47-2009 dated October 14, 2009 - One-Stop-Shop in the processing and Release of Importations of Donated Relief Goods/Articles/Equipment for Calamity Declared Areas and Victims of Disaster/Calamities
- R.A. 10121 dated May 27, 2010 - An Act Strengthening the Philippines Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan. Appropriating Funds therefore and for other purposes
- CMO 8-2013 dated November 11, 2013 - Rules and Regulations Creating One-Stop-Shop in the Bureau of Customs to Expedite the Processing and Release of Importations of Donated Relief Goods/Articles/Equipment for Calamity Declared Areas and Victims of Disaster/Calamities under Section 105 of the TCCP, as amended, and the Prevailing Provisions of the General Appropriate Act

- MOU dated February 15, 2007 - Memorandum of Understanding (MOU) on the International Humanitarian Assistance Network (IHAN)

Webpage, Forms, Handbooks and other References.

- Revised Kyoto Convention
- Republic Act No. 10863 "Customs Modernization and Tariff Act"
- Republic Act No. 10121 "An Act Strengthening The Philippine Disaster Risk Reduction And Management System, Providing For The National Disaster Risk Reduction And Management Framework And Institutionalizing The National Disaster Risk Reduction And Management Plan, Appropriating Funds Therefor And For Other Purposes"
- Republic Act No. 10149 "An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Risk Reduction and Management Framework and Institutionalizing the National Disaster and Risk Reduction Management Plan, Appropriating Funds Therefor and For Other Purposes"