



Office of the President of the Philippines
PRESIDENTIAL MANAGEMENT STAFF
Malacañang

**GUIDELINES FOR AVAILING OF THE SPECIAL IMPORT
FACILITY UNDER MEMORANDUM ORDER NO. 36**

Basic Issuance:

Authorizing importation and donation of food, clothing, medicines and rehabilitation equipment

Memorandum Order (MO) No. 36 was issued by then President Fidel V. Ramos on 09 September 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. The importations under MO 36 shall be considered as importations of the Office of the President (OP). [Section 1]

Establishment of a special import facility/Required endorsement/Issuance of Clearance by OP/Basis of BOC to process and release importations

A special facility to process importations under MO 36 was established. Upon favorable endorsement of the DSWD, with respect to food, clothing, the DOB/BFAD with respect to medicine, and the DND with respect to rehabilitation equipment, OP shall issue the necessary clearance to cover the said importations which shall serve as basis for the Bureau of Customs to process and release the importations. [Section 2]

PMS Head as Signing Authority for MO 36 Clearance

MO No. 32 was issued by then President Joseph Estrada on 27 October 1998 delegating to the PMS Head the processing and signing “By Authority of the President” of importations under MO 36. [Section 1]

Importations solely for declared calamity areas/Determination that state of calamity no longer exists

The importations and donations under MO 36 shall be solely intended for use in areas declared by the President of the Philippines to be in a state of calamity. The DSWD, in consultation with the NDCC shall thereafter determine whether the state of calamity in said areas has already ceased to exist. [Section 3]

Guidelines for Availing of MO 36:

On the basis of the foregoing provisions, the following guidelines are hereby prescribed for availing of the special import facility under MO 36:

1. The PMS will process requests for MO 36 Clearance only if supported by the following documents:
 - 1.1 Letter request duly signed by the head of the party applying for MO 36 Clearance with the following details:
 - Deed of donation indicating donor, details of donation (e.g. 40-ft. container van containing 300 crate/boxes of antibiotics, 45 pieces of blankets)
 - Bill of lading or airway bill (whichever is appropriate) covering the donation
 - **By virtue of RA No. 4653, used clothings are banned importations/shipments. Misdeclared and/or undeclared shipments of food and clothing shall automatically be seized and be the subject of seizure proceedings by the Bureau of Customs and then thereafter forfeited in favor of the government and turned over to the DSWD.**
 - 1.2 Copy of shipping documents (e.g. bill of lading or airway bill, whichever is appropriate)
 - 1.3 Favorable endorsement of the duly designated representative of the Secretary, DSWD for food and clothing; the Secretary, DOH/BFAD for medicines and medical supplies and equipment; and the Secretary, DND for rehabilitation equipment. For mixed donations, like relief goods and medicines, the favorable endorsements of DSWD and DOH are necessary.
 - 1.4 List of intended areas of distribution and intended number of families/persons to be benefited duly certified and attested to by the local social welfare and development officer or local health worker having jurisdiction of the area/s. The concerned local social welfare and development officer or local health worker, depending on the type/s of donation, shall supervise the distribution of imported/donated items to their intended beneficiaries.
 - 1.5 Certification by the NDCC or the local sanggunian that the areas of distribution are areas declared as calamity areas, either by virtue of a Presidential Proclamation or a Resolution by the local sanggunian. The declaration of state of calamity shall be effective for a period of one (1) year from date of its declaration. **However, on exceptional cases, the declaration of a state of calamity may be extended up to three (3) years.**
2. The MO 36 Clearance to be issued by the PMS Head shall pertain only to the importation which is the subject of a particular request and shall in no way be used for another

importation. The MO 36 Clearance shall cover **ONLY** the customs duties and taxes under the deferred payment scheme (book to book schedule).

3. Processing of all requests shall commence upon receipt of by PMS of **COMPLETE** supporting documents listed above. PMS reserves the right to disapprove outright the request if **ANY OR ALL** the supporting documents submitted and/or information giver are forged, falsified and not authentic.
4. Processing of MO 36 Clearance for the expeditious release of importations/donations at the Bureau of Customs shall be the sole responsibility of the requesting party or his duly authorized representative, that is payment of **ALL** incidental expenses (e.g. freight, arrastre, port handling, demurrage, storage, inland transportation, and the like).
5. In the event that an MO 36 Clearance for a particular importation/donation has been issued but the Bureau of Customs finds, while processing the release of the shipment, that there are prohibited, contraband or illegal items which are part thereof, this circumstance/s shall be prima facie ground/s for the immediate revocation, without further notice of the MO 36 Clearance and the importation/donation shall be subject of immediate seizure and confiscation.

The DSWD, the DOH or the DND (whichever is appropriate), together with PMS Regional Field Unit, shall submit a duly subscribed report on the distribution of the imported/donated items specifying the total number of beneficiaries vis-à-vis areas of distribution.

(sgd) SEC. RIGOBERTO D. TIGLAO
Head