

MALACAÑANG

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PRESIDENTIAL DECREE No. 930 May 13, 1976

SIMPLIFYING EXPORT PROCEDURES AND DOCUMENTATION BY REALIGNING FUNCTIONS OF CERTAIN GOVERNMENT OFFICES/AGENCIES INVOLVED IN PROCESSING EXPORT DOCUMENTS, BY AUTHORIZING THE ISSUANCE OF PERIODIC CLEARANCES, BY THE ADOPTION OF STANDARDIZED EXPORT DOCUMENTS, AND FOR OTHER PURPOSES

WHEREAS, the development and promotion of Philippine export is essential in the maintenance of a sustained economic growth, in providing for the basic means of generating much needed foreign exchange, in keeping a favorable balance of payments, and in maintaining a stable position in international reserves;

WHEREAS, there is a need to promote exports and facilitate the process of exportation through the adoption of simplified export procedures and standardized export documents;

WHEREAS, in order to simplify export procedures, it is also necessary to expedite the processing of export documents by reassigning and/or realigning overlapping functions of certain specialized agencies of the government, by specifying the areas of authorities to be exercised, and by reducing the number of steps and the time involved in processing export documents;

WHEREAS, in order to achieve a truly meaningful reformation of existing export procedures, it is necessary that all concerned agencies and offices of the government contribute to this effort by a constant review of their procedures and documentation activities for possible further simplification.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree, as part of the law of the land, the adoption of simplified procedures to govern export from the Philippines as follows:

Section 1. Basic Principle. The development and promotion of exports shall be at all times be supported by any or all of the offices, agencies, and instrumentalities of the government, its political subdivisions and by government-owned or controlled corporations, as well as by the private sector, for the sustained economic, political and social growth of the Filipino nation.

Section 2. Coverage. Except as otherwise provided for in special cases such as: the exports of enterprises registered with the Board of Investment under RA 6135; those registered with the Export Processing Zone Authority under RA 3137 creating the Embroidery and Apparel Control and Inspection Board, prevailing procedures of which shall continue to be followed, all export transaction shall be considered and processed in accordance with this decree, as well as with the rules and regulations issued pursuant hereto which rules and regulations shall be formulated, and promulgated by the National Economic and Development Authority after consultation with government agencies involved; Provided, that, all concerned agencies may, at any time, introduce revisions and amendments to said rules and regulations designed to improve the same and such revisions or amendments shall immediately take effect after confirmation by the National Economic and Development Authority.

Section 3. Inspection and Issuance of Commodity Clearance. In order to safeguard the quality of Philippine exportable products, such products are to be inspected and issued commodity clearances by government commodity agencies prescribed in this decree, Provided, that, in no case shall more than one agency perform inspection and certification functions for the same product, unless the importing country requires that documents be accomplished by more than one agency of the government.

Section 4. Re-alignment of Functions. The functions of government offices/agencies concerned with the inspection of export products, as well as with the issuance of commodity clearances, shall continue to be exercised by such offices/agencies as provided for in their respective charters, except as otherwise re-assigned hereunder:

(a) Philippine Bureau of Products Standards. This bureau, in coordination with specialized government commodity offices/agencies shall be the sole agency of the government responsible for the determination and/or establishment of standards for export commodities. Where a specialized government commodity office/agencies is empowered to formulate commodity standards in accordance with its charter and in view of the technical expertise available therein on products falling under its jurisdiction, it shall continue to do so and submit such standards for accreditation to the Philippine Bureau of Products Standards. The inspection of the products and the issuance of commodity clearance therefor shall

nevertheless be the responsibility of the specialized government commodity offices/agency. For other exports, the responsibility of inspection and issuance of clearances for which do not fall under the jurisdiction of any specialized office/agency, the Philippine Bureau of Products Standards is hereby authorized to inspect such products and issue appropriate commodity clearances.

The same Bureau shall continue to be the sole agency to issue licenses for the use of Philippine Standard Certification marks to exporters of products whether falling with the jurisdiction of a specialized government commodity office/agency or not. Products with certification marks shall not be subjected to inspection, Provided, that, the valid license to use such marks is presented in lieu of commodity clearance.

(b) Specific Product List for Inspection. Specialized government commodity offices/agencies such as the Bureau of Fisheries and Aquatic Resources, the Bureau of Plant Industry, Food and Drug Administration, National Cottage Industries and Development Authority, and Bureau of Animal Industry, shall continue to exercise inspection and commodity certification functions in accordance with their respective charters for products specified in the Rules and Regulation issued pursuant to this decree.

(c) Status quo for Certain agencies. The inspection and/or certification functions for export products falling under the jurisdiction of the Philippine Coconut Authority, the Bureau of Fiber Development and Inspection Service, the Philippine Virginia Tobacco Administration, the Philippine Tobacco Administration, and the Bureau of Forest Development shall remain with the same agencies: Provided, however, that new or additional requirements shall, prior to their taking effect, be referred to National Economic and Development Authority for confirmation.

Section 5. Periodic Commodity Clearances. Specialized government community offices/agencies shall grant regular exporters, as defined in the Rules and Regulations issued pursuant hereto, periodic commodity clearances, the validity period of which is to be determined by said offices/agencies but shall not exceed one year. Guidelines for the issuance of periodic commodity clearances shall be prepared and promulgated by the offices/agencies concerned. Such clearances shall pertain to commodities which constitute the object of the regular trading operations of the exporter. The exporters shall see to it that the consistency and quality of his exports are maintained in accordance with established standards.

Section 6. Tax Clearance for Regular Exporters. Regular exporters, as defined in the Rules and Regulations issued pursuant hereto, shall be granted tax clearances on a quarterly basis for the purpose of facilitating the processing of their export documents. Such clearances, however, shall not constitute a waiver by the government of any tax, penalty or interest that may be due from the exporter.

At the end of every fourth quarter, a final liquidation of the taxes due the government shall be made by the exporter and no further clearances shall be issued until such liquidation is made.

The Quarterly tax clearance herein authorized shall be used in lieu of the tax clearances now required for every shipment.

The Secretary of Finance, upon the recommendation of the Bureau of Internal Revenue, shall issue the requisite rules and regulations for the availment of the quarterly tax clearance authorized in this section.

Section 7. Inspection Fees. No new or additional inspection fees and/or related charges shall be imposed by specialized government commodity offices/agencies in the implementation of the provisions of this Decree. The National Economic and Development Authority shall have the sole authority to approve rates of fees recommended by such offices/agencies. In cooperation with other agencies concerned, it shall conduct periodic reviews of all inspection fees imposed on exporters with a view to formulating standard criteria for their imposition, and it shall institute appropriate measures for the standardization of fees and/or related charges.

Section 8. Resolution of Issues and Administration. The Department of Trade shall have the authority to resolve issues or conflicts that may arise among agencies or instrumentalities of the government resulting from the reassignment of inspection and/or certification authorities provided for in this decree.

Any agency or instrumentality not satisfied with the resolution of the Department of Trade may elevate the issue/conflict to the National Economic and Development Authority within fifteen (15) days from the date the agency or instrumentality receives notice thereof, Provided, that, failure to elevate the issue/conflict within the period provided herein shall render the resolution of the Department of Trade final and executory, Provided, further, that

the Department of trade may, motu proprio, immediately, refer any issues or conflicts to the National Economic Development Authority for final resolution.

The Department of Trade shall also be responsible for coordinating the administration and implementation of the provisions of this decree and of the instructions and/or rules and regulations that may be issued in pursuance thereof along the concept of simplifying export procedures and documentation. It may recommend to the National Economic and Development Authority any change or modification it may deem necessary to effectuate the intents and provisions of this Decree as well as the Rules and Regulations issued pursuant hereto.

Section 9. Review Power. The National Economic and Development Authority shall have the power to review, revise or amend decisions, rulings, or actions made or taken by any agency or instrumentality involved in the implementation of the simplified export procedures and documentation provided herein, as well as the rules and regulations issued pursuant hereto. Further, it shall have the authority to suspend, for a period not exceeding six months any aspect or portion of the procedures that may be prescribed to implement this decree, and/or issue within the same limited period, rules and regulations on the matter.

Section 10. Export Procedure Simplification and Documentation. In addition to the adoption of a simplified export procedure and the standardization of export documents provided for in the Rules and Regulations issued pursuant hereto, all government agencies concerned should exert efforts in simplifying exports procedures and the documentation on a continuing basis.

Section 11. Repealing Clause. All laws, decrees, proclamations, orders, rules or regulations inconsistent with any of the provisions of this decree are hereby repealed, amended or modified accordingly.

Section 12. Effectivity. This decree shall take effect immediately.

Done in the City of Manila, this 13th day of May in the year of Our Lord, nineteen hundred and seventy-six.