

SENATE
OFFICE OF THE SECRETARY

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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RECEIVED BY: *Osmeña*

S E N A T E
S. No. 453

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

This bill seeks to simplify the procedures for the disposition of perishable agricultural goods imported into the country to prevent their deterioration while in storage and subsequent wastage.

Under the present provisions of the Tariff and Customs Code, perishable goods end up entering the domestic market under such state of deterioration that they endanger the safety of consumers. These products are also dumped at such low prices as to threaten the viability of local agricultural products.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III
SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
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S E N A T E

S. No. 453

Introduced by Senator S. R. Osmeña III

AN ACT
AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464,
OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF 1978, AND
FOR OTHER PURPOSES

*Be it enacted by the Senate and the House of Representatives of the Republic of
the Philippines in Congress assembled:*

1 **Section 1.** Section 2607 of the Tariff and Customs Code is hereby
2 modified as follows:

3 "Section 2607. Disposition of Articles Liable to Deterioration. –
4 Perishable articles shall NOT be deposited in a[ny] bonded warehouse;
5 and, if not immediately entered for export or for transportation from the
6 vessel or aircraft in which it is imported or entered for consumption and
7 the duties and taxes paid thereon, [such articles may be sold at auction,
8 after such public notice, not exceeding three days, as the necessities of
9 the case permit] THE COLLECTOR SHALL IMMEDIATELY DECLARE
10 THE SEIZURE OF THE SAME. THEREAFTER, IF THE CONSIGNEE
11 FAILS TO APPEAR BEFORE THE COLLECTOR WITHIN SEVEN (7)
12 DAYS FROM THE DECLARATION OF SEIZURE OF SUCH ARTICLES,
13 THE COLLECTOR SHALL MOTU PROPRIO DONATE THE ARTICLES
14 TO ANY GOVERNMENT AGENCY OR CHARITABLE INSTITUTION,

1 SELL THEM ON THE BASIS OF QUICK CANVASS, OR HAVE THEM
2 DESTROYED, AS MAY BE APPROPRIATE.”

3 [“When seizure shall be made of property which, in the opinion of
4 the Collector, is liable to perish or be wasted or to depreciate greatly in
5 value by keeping or which cannot be kept without great disproportionate
6 expense, whether such property consists of live animals or of any article,
7 the appraiser shall so certify in his appraisal, then the Collector may
8 proceed to advertise and sell the same at auction, upon notice as he shall
9 deem to be reasonable’]

10 [“The same disposition may be made of any warehoused articles
11 when the opinion of the Collector it is likely that the cost of depreciation,
12 damage, leakage or other causes, may so reduce its value as to be
13 insufficient to pay the duties, taxes and other charges due thereon, if it
14 should be permitted to be kept so and be subjected to sale in the usual
15 course.”]

16 **Sec. 2.** *Section 2608 of the Tariff and Customs Code is likewise amended*
17 *to read as follows:*

18 “SEC. 2608. Disposition of Articles Unfit for Use or Sale or Injurious
19 to Public Health. – When any article, which in the opinion of the Collector,
20 is a menace to public health, is seized or otherwise comes into the
21 custody of the Bureau of Customs, the Collector of the port shall, if the
22 matter is not disposable under the provisions relating to food and drugs,
23 appoint a board of three members to examine the article. Whenever
24 possible, THE BOARD SHALL BE COMPOSED OF [one member shall
25 be] a representative [of] FROM the Department of Health or [of] A local
26 health officer, A REPRESENTATIVE FROM THE DEPARTMENT OF
27 AGRICULTURE, and [the tow others shall be responsible officials of] AN
28 APPRAISER FROM the Bureau of Customs [at least one of whom shall be
29 an appraiser.] Such board shall examine said article, and if the same is

1 found to be unfit or a menace to the public health, the board shall so
2 report in writing to the Collector, who shall forthwith order its destruction in
3 such manner, as the case may require.

4 "Health authorities at ports shall collaborate with the collectors in
5 such matters with reasonable dispatch."

6 **Sec. 3.** The Bureau of Customs, with prior consultation with and approval
7 of the Secretary of Finance, shall issue the rules and regulations for the effective
8 implementation of this Act.

9 **Sec. 4.** This Act shall take effect fifteen (15) days after its publication in at
10 least two (2) national newspapers of general circulation.

Approved,