

**[BOC CUSTOMS MEMORANDUM ORDER NO. 2-
2004, January 30, 2004]**

APPLICATION OF EO 264

On 30 December 2003, Pres. Gloria Macapagal- Arroyo, issued Executive Order No. 264, "MODIFYING THE NOMENCLATURE AND THE RATES OF IMPORT DUTY ON VARIOUS PRODUCTS UNDER SECTION 104 OF THE TARIFF AND CUSTOMS CODE OF 1978 (PRESIDENTIAL DECREE NO. 1464, AS AMENDED);

Section 5 thereof provides that EO 264 shall "take effect following its complete publication in two (2) newspapers of general circulation." EO 264 was published in the Manila Times and Daily Tribune on 10 January 2004 and was circularized under CMC 28-2004 on 14 January 2004.

1. In view of the foregoing, the following are hereby clarified:

1.1 EO 264 took effect on 11 January 2004, a day after its complete publication.

Thus, the applicable MFN rates under EO 264 shall be imposed on all shipments entered or withdrawn from warehouse for consumption (not on arrival of shipment or for which and LC was opened) on 11 January 2004 and thereafter.

1.2 From 01 January 2004 up to 10 January 2004, the applicable MFN rates shall be those prescribed under EO 241, s. 2003; EO 91, s. 2002; EO 84, s.2002 ; EO 83, s. 2002; EO 11, s. 2001; and EO 334, s. 2001. If the tariff lines in these EOs would not apply, the appropriate tariff lines in the TCCP June 2003 edition apply. Thus shall the above issuances serve to provide the "transition rates" during the period.

2. Accordingly, all issues relating to the applicability of EO 264 shall be resolved as above prescribed.

3. Any deviation from the above shall be resolve in an appropriate protest case or as a VCRC case.

4. In case of a VCRC case, the following applies:

4.1. The shipment may qualify for Tentative Release upon payment of the taxes and duties as per declaration and the posting of cash bond to cover the tariff differential.