



Republic of the Philippines
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DEPARTMENT CIRCULAR

No. _____

Series of 2025

SUBJECT : RULES AND REGULATIONS GOVERNING THE IMPORTATION OF AGRICULTURAL, FISH, FISHERY/AQUATIC, ITS PRODUCTS AND BY-PRODUCTS, ANIMAL FEEDS, FEED INGREDIENTS AND FEED ADDITIVES; AND, FERTILIZERS, PESTICIDES AND OTHER AGRICULTURAL CHEMICAL PRODUCTS INTO THE PHILIPPINES

WHEREAS, Executive Order (EO) No. 292, series of 1987, otherwise known as the Administrative Code of 1987, mandates the Department of Agriculture (DA) to promulgate and enforce all laws, rules, and regulations governing the conservation and proper utilization of agricultural and fishery resources;

WHEREAS, the Department exercises its regulatory powers through the DA Regulatory Agencies pursuant to Republic Act (RA) 10659, "*Sugarcane Industry Development Act of 2015*", RA 11985, "*Philippine Salt Industry Development Act of 2024*", Act No. 3639, "*An Act Creating the Bureau of Animal Industry*", RA 1556, "*Livestock and Poultry Feeds Act of 1956*", RA 1071, "*An Act to Regulate the Sale of Veterinary Biologics and Medical Preparations*", RA 8550, "*Philippine Fisheries Code of 1998*", Presidential Decree (PD) No. 1144, s. 1977, "*Creation of Fertilizer and Pesticide Authority*", RA 9296, "*The Meat Inspection Code of the Philippines*", as amended by RA 10536, and other relevant laws;

WHEREAS, the Republic of the Philippines is a State Party to the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures, which protects human, animal, and plant life from contaminants, toxins, pests, or disease-causing organisms;

WHEREAS, the Department formulates and implements its regulations for the protection of plant and animal health through its quarantine measures pursuant to PD No. 1433, "*Plant Quarantine Decree of 1978*", Act No. 3639, RA 8550, and other relevant laws;

WHEREAS, RA 10611, "*Food Safety Act of 2013*", vested in the Department, through the DA Food Safety Regulatory Agencies (FSRAs), the authority to formulate and enforce risk-based regulations to ensure the safety of food for human consumption;

WHEREAS, RA 12022, "*Anti-Agricultural Economic Sabotage Act of 2024*", expanded the role of the Department in preventing nefarious acts of smuggling, hoarding, profiteering, and cartel of agricultural and fishery products;

WHEREAS, there is a need to amend the existing regulatory regime on the importation of agricultural, fish, fishery/aquatic, its products, by-Products, fertilizers, pesticides and other agricultural chemical products into the Philippines in view of recent legislative developments, such as the enactment of RA 10863, otherwise known as the *“Customs Modernization and Tariff Act of 2016”*; and,

WHEREAS, RA 8178, as amended by RA 11203, otherwise known as the *“Rice Tariffication Law of 2018”*, mandates the Department to ensure food security, to make the country's agricultural sector viable, efficient and globally competitive, and to adopt the use of tariffs in lieu of non-tariff import restrictions to protect local producers of agricultural products.

NOW THEREFORE, I, FRANCISCO P. TIU LAUREL, JR., Secretary of the Department of Agriculture, in accordance with the powers vested upon me by law, do hereby issue this Department Circular:

ARTICLE I

PRELIMINARY PROVISIONS

Section 1. Definitions. As used in this Circular, the following terms shall be construed to mean as follows:

- a. **Accreditation** - refers to the process whereby an independent or authoritative body grants formal recognition to an entity providing testing, calibration, inspection, and certification services after proving competence and impartiality to provide such services as evidenced by fulfillment of specified standards and requirements.¹
- b. **Agricultural and Fishery Commodities** - includes plants, plant products, and other related materials capable of harboring plant pests; rice and other grains; biological control agents (BCAs); live animals; small animals liable to become pests animals; animal feeds and feed ingredients; live animals; animal products and by-products; meat and meat products; other animal products, such as embryos and semen; unpasteurized milk; live/fresh/chilled/frozen fish, fishery and aquatic products; sugar and molasses; agricultural chemicals and other BCAs, such as but not limited to, disinfectants, pesticides and fertilizers.
- c. **Animal Products** - fresh meat, meat products gelatin, eggs, egg products, milk, honey when intended for human consumption either in natural form, manufactured or processed, meat-meal, liver meal, bone-meal, blood-meal, feather-meal, pork fat, and milk, and other forms of processed animal protein products when intended for use in animal feeding, animal organs, tissues and

¹ Department Circular (DC) No. 6, series of 2023



organic fluids to be used in the preparation of pharmaceutical products or of surgical devices, products of animal origin for agricultural or industrial use, except those intended for food for human consumption, pharmaceutical or surgical purposes, and animal feeding.

- d. **Airway Bill/Bill of Lading** - document evidencing receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods. It is a receipt for goods, a contract for their carriage and is documentary evidence of title to goods.
- e. **Authorization** - refers to the permission embodied in a document granted by a DA Regulatory Agency to a person to operate an establishment or engage in a business operation or any activity in the agriculture and fishery sector after proving compliance with specific requirements set by the DA Regulatory Agency having jurisdiction. This shall, likewise, refer to the status attributed to a product which has undergone the evaluation and approval process as mandated under existing laws, rules, and regulations. Authorization may be in the form of a license, certificate, or clearance, or any similar document.²
- f. **Biological Control Agents (BCAs)**- refers to biological means to manage pests which are based on microorganisms or natural products. These include naturally occurring substances that control pests, microorganisms that control pests, and pesticide substances produced by plants containing added genetic material.
- g. **Certificate Authorizing Importation of Pesticides (CAIP)** - refers to the permit issued by the Fertilizer and Pesticide Authority (FPA) that allows the importation of pesticides into the Philippines to ensure the safety of imported pesticides.
- h. **Certification** - refers to the process by which an official certifying body, accredited or officially accredited certifying body recognizes and provides written or equivalent assurance that a commodity or a product, or a process or system adopted or in place in agricultural and fishery establishments complies with subsisting sanitary and/or phyto-sanitary requirements, technical specifications, or conform to specific quality standards, as appropriate.³
- i. **Certificate of Necessity to Import (CNI)** - refer to a certification issued by the Secretary upon the recommendation of the Bureau of Fisheries and Aquatic Resource (BFAR), in coordination with the Philippine Fisheries Development Authority (PFDA), and consultation with the National Fisheries and Aquatic Resources Management Council (NFARMC), and fishing industry stakeholders to address domestic supply shortages, stabilize market prices, and ensure food

² Republic Act No. 10611 or the Food Safety Act of 2013

³ DC No. 6, series of 2023



security, especially during periods like closed fishing seasons or following natural calamities.⁴

- j. **Clearance** - refers to permission embodied in a document, which is issued by the DA Regulatory Agency having jurisdiction to an authorized or recognized entity, for an activity or action to proceed after such has undergone necessary process and satisfied the requirements as prescribed under subsisting laws, rules, and regulations.⁵
- k. **Closed Fishing Season** - refers to the period declared by the BFAR during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in the Philippine waters.⁶
- l. **Competent Authority** - refers to an agency mandated by law with responsibility and competence for ensuring and supervising the implementation of SPS measures, regulations, or standards.
- m. **Condemnation** - declaration, after due examination and judgment of the products according to the approved protocols by a competent authority, as being non-compliant to the SPS Measures, including being unsafe or unsuitable for human consumption, and requiring appropriate disposal thereof.
- n. **Derogatory/Adverse Findings** - refers to imported agricultural or fishery products that show non-compliance with safety, quality, or SPS standards upon inspection or testing by the competent authority. These findings include physical spoilage, pest or disease presence, failure to meet SPS Import Clearance conditions, hazardous residues, adulteration, misbranding, commingling with other products, or undeclared shipment contents.
- o. **Confiscation** - taking into custody of products by the competent authority for having been the subject of a violation of herein rules and regulations or any pertinent law or rule or regulation and for the proper disposal of the same.
- p. **Consignment** - refers to a specific quantity of agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, bound for a customer into the country and conveyed by one means of transportation.
- q. **Customs Bonded Warehouse** - refers to a warehouse facility licensed by the Bureau of Customs (BOC) to import, receive, and store, without payment of duties and taxes and under bond, goods, raw materials, accessories and packing materials either for manufacture into finished products for export or storage for the account of authorized end users or clients.⁷

⁴ USDA Foreign Agriculture Service

⁵ DC No. 6, series of 2023

⁶ Fisheries Administrative Order (FAO) No. 259, series of 2018

⁷ Customs Administrative Order (CAO) No. 13-2019



- r. **DA Border Agency** - refers to agencies of the Department that exercises regulatory powers pursuant to relevant laws, composed of the Bureau of Animal Industry (BAI), Bureau of Fisheries and Aquatic Resources (BFAR), and Bureau of Plant Industry (BPI).
- s. **DA Quarantine Officer** - refers to the following personnel: (a) BAI Veterinary Quarantine Officer, BFAR Fisheries Quarantine Officer, and BPI Plant Quarantine Officer stationed in every international seaport and airport who performs agriculture quarantine cargo clearance procedure, including documentation, inspection, and other similar activities.
- t. **DA Regulatory Agency** - refers to the agencies of the Department mandated to protect plant and animal health through the prevention of entry of plant pests and animal diseases into the country and as such issues the SPS Import Clearance (SPSIC), and are composed of [1] BAI; [2] BFAR; [3] BPI; [4] Bureau of Agriculture and Fisheries Engineering (BAFE); [5] Bureau of Agriculture and Fisheries Standards (BAFS); [6] Bureau of Soils and Water Management (BSWM); [7] National Dairy Authority (NDA); [8] National Meat Inspection Service (NMIS); [9] National Tobacco Administration (NTA); [10] Philippine Fiber Industry Development Authority (PhilFIDA); [11] Philippine Coconut Authority (PCA); and [12] Sugar Regulatory Administration (SRA).
- u. **DA Inspectorate and Enforcement (IE) Officer** - refers to the personnel from the DA Office of the Undersecretary and Assistant Secretary for Inspectorate and Enforcement who are tasked to conduct intelligence operations, monitor imported commodities, and assist regulatory agencies in the conduct of inspections at the ports/airports/storage warehouses/facilities.
- v. **DA Trade System** - refers to the back-office application of the DA, developed, deployed, and maintained by the service provider, for the processing of DA Trade Transactions, such as the SPS Import Clearance issued by the DA Border Agencies.
- w. **Decision (of the Secretary on Appeal)** - refers to the final executory authority vested on the DA Secretary in the exercise of his jurisdiction over all bureaus, offices, attached agencies, and corporations as are provided by law, and in accordance with the applicable relationships as specified in Chapters 7-9 of Book IV, Introductory Provisions, of the EO No. 292, s. 1987.
- x. **Electronic Request for Inspection (e-RFI)** - refers to an electronic application submitted by the registered importer requesting the DA Quarantine Officer to conduct inspection of the products/commodities upon arrival at the Port of Entry.



- y. **Feed** - refers to any single or multiple materials, whether processed, semi-processed or raw, which is intended to be fed directly to domesticated animals to meet the nutrient requirements in order to maintain life, promote growth, production and reproduction without any additional substance except water.⁸
- z. **Feed Ingredient** - refers to the component part or constituent of any combination or mixture making up a feed, whether or not it has a nutritional value in the animal's diet, including feed supplements and additives. Ingredients are of plant, animal or aquatic origin, or other organic or inorganic substances.⁹
- aa. **Fertilizer** - refers to any substance, solid or liquid, inorganic or organic, natural or synthetic, single or a combination of materials that is applied to the soil or on the plant to provide one or more of the essential nutrients to improve plant nutrition, growth, yield or quality, or for promoting a chemical change that enhances plant nutrition and growth.
- bb. **Genetically Modified Organisms (GMO)** - refers to "living modified organisms," under the Cartagena Protocol on Biosafety and refers to any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.¹⁰
- cc. **Importation** - refers to the act of bringing into the country by sea, land or air foreign products intended for planting, breeding, consumption, manufacturing, trading, distribution, domestication, formulation, repacking or by any other purposes.
- dd. **Importer** - refers to any duly licensed and registered person, individual or juridical entity, or owner or an authorized representative or for whose account benefit the consignment is made, who transacts with a Competent Authority for the purpose of products and/or establishment registration and/or licensing, and who is entitled to the custody or control of any agri-fishery commodities imported into the Philippines.
- ee. **Inspection** - refers to the visual (organoleptic) examination of commodities/products, establishments including premises, or systems to verify or check compliance with sanitary and/or phytosanitary requirements or technical specifications, or conformance to specific quality standards.¹¹
- ff. **Inward Foreign Manifest (IFM)** - refers to a document/record provided by the shipping lines, airlines, and other sources, that details the listing of all cargo entering the country of discharge.

⁸ PNS/BAFS 163:2015 (Animal Feed Ingredients)

⁹ PNS/BAFS 163:2015 (Animal Feed Ingredients)

¹⁰ DOST-DA-DENR-DOH-DILG Joint Department Circular No. 1, series of 2021

¹¹ DC No. 6, series of 2023



- gg. **License** - refers to the permission embodied in a document granted by a DA Regulatory Agency to a person with application to operate an establishment or engage in a business operation or any activity in the agriculture and fishery sector after proving technical capability to (1) comply with the sanitary and/or phyto-sanitary (SPS) requirements set by the DA Regulatory Agency having jurisdiction, (2) conform to specific quality standards and technical regulations, or (3) comply with certain laws, rules, and regulations, including measures relating to conservation or sustainable use of exhaustible natural resources. In the case of animal facilities, the term License also refers to the certificate of registration as required under the Animal Welfare Act in consonance with relevant international standards and the Food Safety Act.¹²
- hh. **Locally Produced Technical Grade Material** - pure active ingredients produced in a defined area used to prepare pesticide formulations for commercial use.¹³
- ii. **Meat** - refers to fresh, chilled or frozen edible carcasses including offal derived from food animals.
- jj. **Meat Product** - refers to any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any food animals, except products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat industry, and which are exempted from definition as a meat product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat products.
- kk. **Must Ship Out By Date** - refers to the prescribed time/period within which the actual product/consignment must have left the country of origin, the reckoning of which is based on the date of issuance of the SPSIC.
- ll. **Packaging** - refers to the procedure of protecting the products by a wrapper, container or any other suitable material.
- mm. **Packing Materials** - includes leaves, straw, wood, bark, and other plant materials used as wrapping, packing, boxing, bundling, or covering any imported products, and which are capable of harboring plant pests.
- nn. **Person** - refers to any individual, business entity/enterprise. Partnership. Cooperative, corporation, association, institution, or other entity seeking

¹² DC No. 6, series of 2023

¹³ World Health Organization 2013



authority or recognition to conduct a regulated activity whether for personal or business purposes.¹⁴

- oo. **Pest** - refers to any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products.
- pp. **Pest Risk Analysis (PRA)** - refers to the process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest, whether it should be regulated, and the strength of any phytosanitary measures to be taken against it.¹⁵
- qq. **Pesticide** - refers to any substance or product, or mixture thereof, including active ingredients, adjuvants and pesticide formulations, intended to control, prevent, destroy, repel or mitigate directly or indirectly, any pest. It shall be understood to include insecticide, fungicide, bactericide, nematocide, herbicide, molluscicide, avicide, rodenticide, plant regulator, defoliant, desiccant and the like.
- rr. **Pet Food** - refers to any commercial feed prepared and distributed for consumption by pets or companion animal.¹⁶
- ss. **Perishable Goods** - refers to goods liable to perish or goods that depreciate greatly in value while stored or which cannot be kept without great disproportionate expense.
- tt. **Physical Inspection** - refers to the physical inspection of all imported agri-fishery commodities/consignments at the Port of Entry and Licensed Dry/Cold Storage Warehouse conducted by all concerned DA Border Agencies, and other authorized government agencies, in duly designated inspection facilities.
- uu. **Plants** - refers to living plants and parts thereof including seeds, cuttings, rhizomes, bulbs and corms, grafts, leaves, roots, scion and other plant parts that are capable of propagation.¹⁷
- vv. **Plant Products** - refers to products derived from plants either in their natural state or in manufactured or processed form.¹⁸
- ww. **Plant Quarantine Service Certificate (PQSC)**– refers to a document issued by the BPI for those commodities that have been processed to the point where they do not remain capable of being infested with quarantine pests.

¹⁴ DC No. 6, series of 2023

¹⁵ DC No. 4, series of 2016

¹⁶ PNS/BAFS 135:2014 (Pet Food Labelling)

¹⁷ PD No. 1433, series of 1978

¹⁸ PD No. 1433, series of 1978



- xx. **Registered and/or Licensed Importer** - refers to a person registered and licensed by the DA Regulatory Agencies as eligible to import agricultural and fisheries commodities and products for its own use, propagation, processing, wholesale and/or retail distribution.
- yy. **Registration** - refers to the process wherein a DA Regulatory Agency records the information on a product, a person, or establishment engaged in the production, manufacturing, trade, and distribution of agricultural and fishery commodities in an official system.¹⁹
- zz. **Sanitary and Phytosanitary Import Clearance (SPSIC)** - refers to a document issued prior to importation by the concerned DA Regulatory Agency to ensure that the products being imported meet standards to protect human, animal, or plant life or health, ensuring that the agricultural and fishery products are safe for consumers and to prevent the spread of pests or diseases among animals or plants. Such document also prescribes the conditions to be complied with by the importer for the maintenance of quality and suitability of the product for the intended purpose.
- aaa. **Storage Facilities** – refers to an establishment such as but not limited to warehouse, dry or cold storage, stationary refrigerated container van or any property involved in the storage of agricultural and fishery products, whether owned, leased, or maintained through a third person.
- bbb. **SPS Measures** - refers to any legislation, regulation, requirement, or procedure applied for the purpose of (a) protecting animal or plant life or health within the territory of the Philippines from risks arising from the entry, establishment, or spread of pests, diseases, disease-carrying organisms or disease-causing organisms; (b) protecting human or animal life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in agricultural import products; (c) protecting human life or health from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or (d) preventing or limiting other damage within the territory of the Philippines from the entry, establishment or spread of pests.²⁰
- ccc. **Secretary** - refers to the Secretary of the Department of Agriculture (DA).
- ddd. **Transshipped Commodities** - refer to goods that are transferred under customs control from the importing means of transport to the exporting means of transport within the area of one customs office, which is the office of both importation and exportation.²¹

¹⁹ DC No. 6, series of 2023

²⁰ World Trade Organization (WTO) SPS Agreement

²¹ CAO No. 12-2019



Section 2. Scope. This Circular covers the importation of the following commodities into the Philippines:

- a. Plant, plant products, and other related materials capable of harboring plant pests, including but not limited to:
 - i. Living plants;
 - ii. Nursery stocks, including vegetative parts thereof used as propagating materials;
 - iii. Nuts and seeds either for planting, consumption, or for processing;
 - iv. Fresh fruits, vegetables, and other plant products which have been declared as prohibited/restricted import under special quarantine orders because of being known hosts of dangerous plant pests or originating from restricted areas;
 - v. Natural fibers;
 - vi. Pure culture of fungi, bacteria viruses, nematodes, and other phytopathogenic materials;
 - vii. Mushroom cultures including spawn;
 - viii. Seaweeds and aquatic plants;
 - ix. Soil and plant materials for isolation of organisms;
 - x. Other plant cultures (e.g. in-vitro cultures of cells, tissues, or whole plants);
 - xi. Wood packaging materials and other packing materials capable of harboring plant pests;
 - xii. Frozen/chilled fruits and vegetables including diced vegetables and processed fruits;
 - xiii. Milled rice, corn, and other grains and cereals;
 - xiv. Grasses for animals and for aqua feeds;
 - xv. Genetically modified plants, planting materials, and plant products;
 - xvi. Other plants, planting materials, and plant products under BPI Pest Risk Category II²², III²³, and IV²⁴, and;
 - xvii. Coconut and palm, its products and by-products.
- b. Live animal; animal products and by-products; other products of animal origin, such as embryos and semen, including egg and honey either in natural state, manufactured, or in processed form; unprocessed animal products of exotic origin such as untanned and/or untreated hide/skin/fur, and animal manure;

²² Refers to the risk category formulated by the BPI which covers plant commodities that have been processed to the point where the commodity remains capable of being infested with some quarantine pests. Intended use may be for consumption or further processing. The conduct of the Pest Risk Analysis (PRA) may be required for quarantine pests that may not be eliminated by the process.

²³ Refers to the risk category formulated by the BPI which covers plant commodities which have not been processed. The intended use of commodity is for consumption or processing, in which the PRA is necessary.

²⁴ Refers to the risk category formulated by the BPI which covers plant commodities which have not been processed and whose use is for planting, in which the PRA is necessary.



- c. Animal feeds, feed ingredients, feed additives and supplements, pet food, and other feed products;
- d. Meat and meat by-products either in natural state (frozen/chilled), manufactured, or in processed form such as not fully heat-treated/not fully cooked meat products;
- e. Laboratory biological samples of animal or animal product (such as but not limited to blood, serum, pancreatic cells, and neuronal cells);
- f. Non-therapeutic animal feed premixes and water solubles;
- g. Live/fresh/chilled/frozen fish and fishery and aquatic products including microorganisms, biomolecules, algae cultures, and rhizobial cultures as legume inoculant;
- h. Fertilizer, pesticides, and other agricultural chemicals for crop protection and use in animal facilities;
- i. BCAs limited to bio-rational; and,
- j. Goods referred to the DA or goods, not being listed elsewhere in this Circular, discovered by the DA at a Port of Entry and suspected of harboring regulated pests or organisms.

ARTICLE II

GENERAL PROVISIONS

Section 3. *Coverage.* All applications for the SPSIC or CAIP governed by this Circular shall cover agriculture and fishery commodities intended for commercial, business, personal use/consumption, and other related purposes unloaded into the Philippines territories. Transshipped commodities into the Philippines are not covered by this Circular.

Section 4. *Objective.* The SPSIC to be issued by the DA shall ensure and guarantee the protection of plant, animal as well as human and environmental health from risks borne by the importation of agricultural and fishery commodities. The CAIP shall ensure food safety in the production of plant and animal food through the regulation of imported pesticides and other agricultural chemicals, in accordance with the mandate of the DA on food safety in the primary production and post-harvest stages of the food supply chain consistent with the provisions of RA 10611 and its Implementing Rules and Regulations (IRR).

Section 5. *Agencies Authorized to Issue the SPSIC.* The following DA Border Agencies comprised of the following are hereby authorized to issue the SPSIC:

- a. **BAI** - for live animals, its products and by-products, including animal feeds, premixes and its ingredients, as enumerated in Article I Section 2.b to f;



- b. **BFAR** - for fish, fishery/aquatic products as enumerated in Article I, Section 2.g. of this Circular, fish intended for feed and products used in fish propagation, and other seafood including those grown by aquaculture; and,
- c. **BPI** - for plants, planting materials, plant products, and plant food as enumerated in Article I, Section 2.a.

Section 6. Agency Authorized to Issue the CAIP. The FPA shall issue the CAIP for the importation of pesticides and other agricultural chemicals, including bio-rationals for crop protection and use in animal facilities.

Section 7. Jurisdiction Over Specific Commodities Requiring Action of Other Agencies. For products which require the action or involvement of more than one DA Regulatory Agency as stipulated in Section 6 of this Circular prior to release from the port, the following coordination process shall be followed:

- a. For the following agricultural products, the **BPI** shall issue the SPSIC only upon submission by the importer of the prerequisite documents necessary to be secured from the following DA Regulatory Agencies and other government agencies:
 - 1. PhilFIDA - for fibers including coir;
 - 2. PCA - for coconuts, coconut products, and by-products;
 - 3. NTA - for tobacco; and,
 - 4. Department of Environment and Natural Resources (DENR) - for plant products of exotic origin which requires Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Permit.
- b. For the following agricultural products, the **BAI** shall issue the SPSIC only upon submission by the importer of the prerequisite documents necessary to be secured from the following agencies:
 - 1. NMIS - for frozen/chilled meat;
 - 2. DENR - for animal products of exotic origin which requires CITES permit; and,
 - 3. Department of Health - Food and Drug Administration (DOH-FDA) - for processed meat products/by-products as determined high risk products by BAI.
- c. For agriculture and fishery products of exotic origins, the importer shall submit a CITES or Non-CITES Permit from the DENR and/or country of origin as a prerequisite document.

Section 8. Authority Over Imports on the Basis of Food Safety. The Department and the DA Regulatory Agencies shall exercise their regulatory powers on the entry of imported agriculture and fishery commodities, including food products derived from agriculture and fishery products that are processed and prepackaged, on the basis of the



enforcement of relevant SPS Measures for the protection of plant and animal health without prejudice to the authority of the DOH-FDA on matters pertaining to food safety.

ARTICLE III ISSUANCE OF THE SPSIC

Section 9. *Registration as Prerequisite to SPSIC Application.* Only DA Licensed or Registered Importers shall be allowed to apply for an SPSIC. Registration to the DA Trade System shall be required prior to the submission of any application for the SPSIC.

Section 10. *Documentary Requirements.* The following required documents must be submitted for the application of an SPSIC, as required by the concerned DA Regulatory Agency pursuant to Section 6 of this Circular:

- a. Notarized Application Form to Import;
- b. Pro-forma invoice from the Supplier;
- c. Non-GMO Certification or GMO Transformation Event Certification from the supplier/responsible officer/accredited laboratories at the country of origin/importer, when applicable;
- d. License to Operate/Certificate of Product Registration/License to Import;
- e. Location from Port of Entry to Final Destination/DA Registered Storage Facilities - Name and Address (Final Destination indicated in the IFM must be the same as the Final Destination reflected in the e-RFI upon arrival of the imported goods);
- f. Research Proposal/Material Transfer Agreement/Trial Protocol, if the product to be imported shall be used for research and laboratory testing purposes;
- g. Other commodity-specific requirements, such as but not limited to, Import Commodity Clearances, including clearances from other concerned agencies; and,
- h. Other documents may be deemed necessary by the concerned DA Border Agency.

Section 11. *Application Procedure.* The following procedures are hereby adopted for all applications for the issuance of the SPSIC:

- a. Application form and all the supporting documentary requirements shall be filed electronically via the DA Trade System.
- b. Upon receipt of the Application Form by the concerned unit of the appropriate DA Border Agency, all documents shall be reviewed, and placed in "under review" status, with due consideration of the following:
 - i. Latest advisory of the relevant international bodies and/or the exporting government on the occurrence/presence of relevant disease/pest outbreaks, contamination, and other SPS-related risks (such as food hazards above regulatory limits);



- ii. If the applicant importer is duly licensed by the concerned DA Regulatory Agency except when the concerned DA Regulatory Agency determines that importer registration shall not be required;
 - iii. The applicable risk management protocols that are to be prescribed including certifications of exporting governments, if applicable;
 - iv. Other information pertinent to SPS concerns; and,
 - v. That the specific commodity descriptions and information should be the same as the details reflected in the Pro-Forma Invoice.
- c. All applications shall be rejected pursuant to Section 22 of this Circular.
 - d. When the Application Form and all necessary supporting documents are found sufficient in form and substance, the reviewer shall electronically endorse this to the approving authority of the concerned DA Border Agency, for the approval of the SPSIC, with the processing time within seven (7) working days from the date of application.
 - e. Upon approval of the SPSIC, the importer may view and print the approved SPSIC through the DA Trade System.

Section 12. *Must Ship Out By Date.* The SPSIC and other clearances shall indicate the period for which the actual product/consignment should have left the country of origin, the period of which is reckoned from the date of issuance of the SPSIC as follows:

- a. 30 days for live, fresh, and chilled fish;
- b. 45 days for other frozen and other fish and fishery/aquatic products;
- c. 20 days for fresh and chilled fruits and vegetables;
- d. 60 days for fertilizers, pesticides, and other agricultural chemicals;
- e. 60 days for live animals;
- f. 90 days for animal products and by-products; meat and meat by-products; other products of animal origin, such as embryos and semen; eggs; unpasteurized milk, honey;
- g. 60 days for animal feeds and feed ingredients; feed additives and supplements, and other feed products; animal feed premixes and drinking water medications;
- h. 60 days for other plant products, planting materials, and plants;
- i. 180 days for seeds as planting materials; and,
- j. 60 days for all other products not specified immediately above.

Section 13. *Validity of the SPSIC.* The SPSIC shall be valid until the "Must Ship Out By" date unless sooner revoked for any valid reasons.

The consignment of a product shall be loaded at the port of embarkation, at the country of origin, on or before the last day of the "Must Ship Out By" of the corresponding SPSIC. Shipment done not later than the last day of the "Must Ship Out By" is considered with valid SPSIC regardless of the date when it arrives in the Philippine ports. *Provided*, due consideration is given to uncontrollable situations such as force majeure, congestion in



ports, public rallies and demonstrations and other valid reasons. Otherwise, confiscation procedure shall be administered as provided under the existing policies and guidelines of the BOC.

Section 14. *Expiration of SPSIC.* An unused SPSIC shall be considered automatically expired/cancelled after the “Must Ship Out By” date.

Section 15. *Risk-based Issuance of the SPSIC.* The BPI, BAI, and BFAR shall conduct risk-based assessment of commodities to be imported into the country, such as the development of risk categorization or import risk assessment in relation to accreditation of countries allowed to export into the Philippines and the formulation and adoption of a risk-based inspection system, as may be necessary and categorize consignment/shipments into high, medium or low risk.

Section 16. *Non-Transferability of the SPSIC.* The SPSIC shall be good for one (1) shipment and shall not be transferable to any other person.

Section 17. *SPSIC Requirement Prior to Embarkation.* The date of loading at the port of embarkation in the country of origin as specified in the Bill of Lading or IFM should not be earlier than the date of issuance of the SPSIC. Otherwise, confiscation procedure shall be administered as provided under the existing policies and guidelines of the BOC.

Section 18. *SPSIC Conditions for Fishery and Fishery Products During Closed Fishing Season.* Specific fish and fishery products imported under a CNI issued during the Closed Fishing Season, must arrive within 45 days from issuance of the SPSIC.

Section 19. *Automatic Approval of SPSIC.* All SPSIC actions not acted upon by the concerned DA Border Agency through approval or rejection within seven (7) days upon receipt shall be considered approved. Applications with incomplete requirements shall be rejected.

ARTICLE IV ISSUANCE OF CAIP

Section 20. *Eligible Applicants.* Only FPA-licensed handlers with corresponding FPA-approved product registration, Experimental Use Permit (EUP), or Letter of No Objection from the Product Registrant specifying that the product is intended for one use only (if Importer-End-User), can apply for CAIP. All unused CAIPs shall be considered cancelled/expired sixty (60) days after issuance.

Section 21. *Documentary Requirements.* The following documents must be submitted for the purpose of importing commodities covered in this Circular:

- a. National Single Window Application Form (Pursuant to Memorandum Circular No. 19, series of 2023);



- b. FPA Import/Importer-End-User-License/or Proof of License Application (if new applicant);
- c. Certificate of Product Registration (CPR)/or EUP/or Proof of Product Registration Application (if new applicant) /or Letter of No Objection from the Product Registrant [specifying that the product is intended for own use only] (if Importer-End-User);
- d. Pro-Forma Invoice;
- e. Bill of Lading (if applicable; not applicable for new importation); and,
- f. Duly Accomplished CAIP Log or Template (provided under Memorandum Circular No. 19, series of 2023).

ARTICLE V

REJECTION, DISAPPROVAL AND REVOCATION OF SPSIC AND CAIP APPLICATIONS

Section 22. *Rejection of CAIP Application.* For pesticide importation, no importation of locally-produced technical grade material and its corresponding finished products shall be allowed by the FPA. *Provided, That* the manufacturer shall be required to submit proof that the price of the technical material locally produced is competitive with the world market price; *Provided, further, That* banned pesticides, if procured through importation, shall be transported back to the country of origin. *Provided, finally, That* the same shall be certified by the Philippine Consulate in the receiving country as a proof that such products arrived in the receiving country.

Section 23. *Rejection/Disapproval of SPSIC Application.* All applications that are incomplete, noncompliant with the proper format, or those found with application details inconsistent with the attached documents, shall be rejected.

Section 24. *Suspension or Revocation of the SPSIC.* The SPSIC may be suspended or revoked at any time on any of the following grounds:

- a. Providing false information/tampering/falsification/inconsistencies in the application form or in any of the accompanying documents to the application;
- b. Misdeclaration of consignment;
- c. Unutilized SPSIC within its validity period;
- d. Violation of relevant SPS and biosafety rules and regulations or any conditions imposed in the SPSIC;
- e. Refusal to allow the inspection of the consignment at the physical containment facility or intermediate destination of the product;
- f. Suspension or revocation of legal authority to commercially sell/trade/consume/distribute the product in the country of origin;



- g. Emergency cases/situations, such as outbreak of diseases/presence of pests/danger/occurrence of contamination, or other reports/cases important to public health and safety as determined by the DA Regulatory Agencies;
- h. New technical information becomes available to the concerned DA Regulatory Agency indicating that the product, if allowed for its intended use will result in risks to human, animal, or plant health or life and the environment;
- i. Discovery of a violation of the importer/broker/shipper by the concerned DA Border Agency;
- j. Any act or violation of existing laws, rules or regulation; and,
- k. Commingling of different types of commodity (e.g., fishery products with meat), or with different tariff rates (e.g., chicken leg quarters and mechanically deboned meat) in a shipment/consignment.

Section 25. *Non-Renewal of Licenses of Importers with Underutilized SPSIC.* Only licensed importers who regularly use their SPSIC shall merit renewal of their License to Operate (LTO) in accordance with the procedures and requirements set forth in Section 23, Article V of DC No. 6, s. 2023. Should the importer fail to use eighty percent (80%) of the issued SPSICs, the LTO shall not be renewed. Consideration for the renewal of their license may only be allowed once corrective actions addressing the low utilization of their SPSIC have been submitted.

Section 26. *Authority of the DA in Emergency Situations.* During emergency cases/situations as determined by the competent authority under Sections 8 and 9 of RA 12022, Section 6 of RA 12078, and other agriculture and fishery quarantine laws, if deemed necessary, the DA shall exercise its authority to:

- a. Suspend the issuance of the SPSIC;
- b. Cancel/revoke all relevant SPSIC issued;
- c. Suspend all relevant shipments;
- d. Confiscate all relevant shipments and dispose of the shipments; and/or,
- e. Institute extra/additional measures necessary to ensure the safety of human, animal and plant life.

Section 27. *Authority and Penalties Related to SPSIC Modification or Revocation.* Modification, revocation, or cancellation of the SPSIC are subject to the authority of the concerned DA Border Agency as stated in Section 6 of this Circular, and shall be without prejudice to the imposition of other applicable penalties.

ARTICLE VI



DOCUMENT REVIEW AND INSPECTION AT THE PORT/AIRPORT OF ENTRY

Section 28. *Purpose of Document Review and Physical Inspection.* The conduct of document review and physical inspections of imported goods shall be intended for the following purposes:

- a. Verification of the goods/consignment in terms of compliance with applicable rules, conditions, and/or standards;
- b. Assurance, based on representative sampling, that specific unwanted or harmful or regulated pests, diseases, or organisms are not present or does not exceed a specified level; and,
- c. Determination of the presence or absence of unwanted or harmful pests, diseases, or organisms harmful to animal, plant, or human health in the Philippines.
- d. The DA Border Agencies shall formulate and adopt a risk-based inspection system, as may be necessary and categorize consignment/shipments into high-, medium-, or low-risk.

Section 29. *Request for e-RFI.* The importer or their authorized representative shall file an e-RFI to the concerned DA Border Agency through the DA Trade System at least forty-eight (48) hours prior to the arrival of a consignment at the port/airport of entry, The Quarantine Officer shall review, process, and check whether there are changes in port of entry or storage warehouse, and shall accordingly act on the application for e-RFI.

Section 30. *Frequency of Arrival of Consignments.* A consignment, which may either be in bulk or in a number of packages, crates, or boxes containing either uniform or various unit sizes of the product container, may arrive all at one time or in several portions or batches in one (1) Port/Airport of Entry, provided that the whole consignment is covered by one (1) SPSIC and one (1) Bill of Lading/Airway Bill.

Section 31. *Mandatory Document Inspection Procedure Upon Arrival.* Upon the arrival of the consignment, the importer or their authorized representative shall provide the DA Quarantine Officer at the designated area of examination at the port/airport of entry, with all of the required original documents, as set by the concerned DA Border Agency, to wit:

- a. Hard copy of the e-RFI;
- b. Valid Export or Equivalent Certificate (original and/or valid electronic certificate), such as Veterinary Health Certificate, issued by the Competent Authority of the Country of Origin, with compliance to the conditions (if any) stated in the SPSIC;
- c. Valid SPSIC issued by the concerned DA Regulatory Agency;
- d. In the absence of the Importer, a photocopy of the Broker Clearance Certificate (BCC) duly certified as true copy of the original by the issuing agency, or the Special Power of Attorney (SPA);



- e. BOC Import Entry Internal Revenue Declaration;
- f. Bill of Lading/Airway Bill;
- g. Commercial Invoice/Packing List and Assessment Notice associated with the said import;
- h. Certificate of Analysis for Plant Food (from country of origin), whenever applicable;
- i. GMO Certification, whenever applicable;
- j. Fumigation Certificate or any other required treatment, whenever applicable; and,
- k. Other documents, as may be required by the concerned DA Regulatory Agency.

The DA Quarantine Officer may request the importer or his authorized agent to provide further information which is reasonably available to enable the DA Quarantine Officer to assess the SPS risk of the good/s within the consignment, or the integrity of the logistics chain.

Section 32. Document Validation of Consignments. The DA Quarantine Officer shall validate the consignments from the information in the DA Trade System against the list of consignments indicated from the BOC IFM database, to ensure that all agriculture and fisheries imports entering the country are compliant with the SPS clearance procedures. Imports appearing in the BOC IFM database but do not have SPSIC shall be recommended to BOC immediately for seizure and proper disposal. In the performance of said validation, the DA Quarantine Officer, shall:

- a. Receive the e-RFI and other supporting documents set by the concerned DA Regulatory Agency;
- b. Validate the submitted documents and/or uploaded documents in the DA Trade System for consistency, completeness and suitability to assess the risk;
- c. Compare supplied documents against the IFM data relating to the consignment;
- d. Verify compliance with SPS requirements and assess the risk of the packaging as a vector for the entry of unwanted, harmful, or regulated pests, diseases or organisms;
- e. Where practicable, utilize other information sources such as and not limited to container and bill of lading track and trace websites, or international bodies such as the IPPC/WOAH websites, WTO notifications, export country rules, export and transit country seasonal conditions, export country SPS e-certification systems to assess if there is a change in risk;
- f. Check the consistency and similarity of details and information reflected in the SPSIC and e-RFI, compared to the other import documents such as the Bill of Lading /Airway Bill, IFM for cargo accounting purposes and actual labels of the commodities; and,
- g. The DA Quarantine Officer is authorized to verify the quality and quantity of the shipment based on the submitted documents of the importer, including those pertaining to the outcome of the pre-border technical verification of



consignments pursuant to Office of the President Administrative Order No. 23, series of 2024, with the subject *“Implementing a Digital and Integrated System for the Pre-Border Technical Verification and Cross-Border Electronic Invoicing of all Import Commodities”*.

In the event that the original documentary requirements are not provided during the document validation, the importer or their authorized representative is given twenty four (24) hours to present the documents to the DA Quarantine Officer. Failure to comply with the specified period shall subject the consignment to the provisions of Article X and XI of this Circular.

Section 33. *Joint Preliminary Border Inspection.* The DA Quarantine Officer, together with the BOC Examiner at the designated examination area at the port/airport of entry, shall conduct inspection of the consignment, in the presence of the importer or their authorized representative. All inspections shall be carried out in accordance with the procedures and standards of the concerned DA Border Agency. Further, joint preliminary border inspection shall be guided by the following:

- a. Upon the request of the concerned DA Regulatory Agency and the approval of the BOC, the DA IE Officer may join the inspection. The involvement of the DA IE Officer shall be limited to specific instances where inspection support is necessary such as the observance of the conditions under the SPSIC, inspection of reasonable smuggling and misdeclaration of goods, and monitoring regulatory compliance.
- b. Depending on the result of the routine inspection, which involves sensory-based examination, the DA Quarantine Officer may perform a rigid physical inspection of the consignment, which covers laboratory (such as tests for chemical and microbial) examination, as deemed necessary. Physical inspection may be conducted on imported goods suspected of contamination by or having harbored a regulated pest or organism either in or on the product or any goods exposed to such risks in consideration of the manner of packaging or presentation of the goods.
- c. Initial inspection of imported goods shall be conducted at the BOC Designated Examination Area (DEA).

Section 34. *Preliminary Border Clearance and Reporting.* The DA Quarantine Officers shall proceed to the clearance of all consignments which have passed both the documentary validation and preliminary physical inspection, with the following procedures:

- a. For consignments to be given clearance, the DA Quarantine Officer shall advise the importer or their authorized representative of the prescribed regulatory fee of the DA Border Agency which must be paid prior to the issuance of the clearance.



- b. The DA Quarantine Officer, upon sight evidence of payment of the prescribed regulatory fee, shall place a stamp labeled "Used" on the SPSIC, and stamp "Inspected and Passed" on the BOC Import Entry Declaration;
- c. The DA Quarantine Officer shall tag the SPSIC in the DA Trade System as "Used" and input in the Electronic Request for Inspection (e-RFI) any findings during the Preliminary Inspection. Further, the BOC Import Entry Declaration shall be stamped as "Inspected and Passed" to indicate whether the consignment is cleared for the final release. Otherwise, the Import Entry Declaration shall be stamped with the corresponding notation of the DA Quarantine Officer, such as, but not limited to, "On Hold" or "For Confiscation";
- d. The DA Quarantine Officer shall affix the DA seal, device, fastenings or other markings at the DEA at the port/airport;
- e. The label "For Transfer To (Name and Address of the Authorized Premise)" may be stamped on the BOC Import Entry Declaration prior to the release of the consignments for transport to the authorized facilities/premises.

Section 35. *Transfer to Alternative Port of Entry.* In case of unforeseen circumstances at the port of entry such as but not limited to port congestion, the importer or his/her authorized representative may request to the concerned DA Border Agency the approval of the unloading of cargo containing the agriculture and fishery products in the alternate port/airport.

Section 36. *Verification of Documents at the Alternative Port of Entry.* The DA Quarantine Officer in the alternative Port of Entry is authorized to conduct verification of the SPSIC, Health Certificate, and other relevant documents through the DA Trade System. The SPSIC shall remain valid regardless of the Port of Entry unless other conditions of the SPSIC, such as those governing the issuance date and "Must Ship Out by" date, have been violated. Only upon the complete verification shall the DA Quarantine Officer process the concerned cargo in accordance with quarantine protocols.

ARTICLE VII

TRANSPORT OF CONSIGNMENTS TO AUTHORIZED STORAGE FACILITIES

Section 37. *Notification of the DA Quarantine Officer on Cleared Consignments.* Prior to the transfer of the consignments, the DA Quarantine Officer at the Port of Entry shall advise the DA Quarantine Officer at the DA Registered/Licensed Storage Facility that the shipments have been cleared and that inspection at the DA Registered Storage Facility may commence upon arrival of the goods. The notification can be done through the DA Trade System, by tagging the SPSIC electronically and accomplishing the eRFI.

Section 38. *Transport to Authorized Storage Facilities.* Upon clearance of the DA Quarantine Officer and BOC, the consignment/shipment must be transported



immediately to the authorized licensed/registered storage facility indicated in the eRFI. In cases where the consignment/shipment is to be transported to another storage facility other than the one indicated in the eRFI, the importer/their authorized representative must submit a letter of request for transfer, indicating reasons for such, to the DA Quarantine Officer, prior to the transfer.

Section 39. *Authority to Approve Transfer to an Authorized Premise.* The DA Quarantine Officer or authority as prescribed in the Implementing Rules and Regulations (IRR) of R.A. 9296, as amended by R.A. 10536 shall approve the transfer of the consignment to another licensed storage facility/authorized premise, following their corresponding prescribed transfer/transport procedure. Further, the DA Quarantine Officer shall inform the BOC, the importer, and the concerned DA Border Agency, of the final destination for the inspection as stated in the SPSIC, which shall also be reflected in the e-RFI. This information shall be encoded in the DA Trade System.

Section 40. *Assessment of Goods for Transfer to Customs Bonded Warehouse, Container Yard or Other Places Outside the Customs Zone.* Whenever there is in cases where the DA Quarantine Officer received an official request from the BOC for authorization to transfer specified goods or consignments to a customs bonded warehouse, container yard, or other places outside of the customs zone, the DA Quarantine Officer must assess the SPS risk of a regulated, unwanted, or harmful pest, disease or organism entering the Philippine domestic environment during the transfer. The same shall be the basis to determine any quarantine measures or assistance that shall be adopted prior, during, or at destination in order to facilitate the speedy transfer of the goods. The Quarantine Officer shall notate and/or authorize the transfer request prior to the commencement of the actual transfer.

Section 41. *Prohibition of Transfer of Consignments without Approval of the DA Quarantine Officer.* No regulated import consignment, goods, or their packing materials shall be removed or caused to be removed nor transferred or caused to be transferred from the first Port of Entry for the purposes of entering the Philippines without the written approval of the DA Quarantine Officer. The result of the inspection shall serve as the basis on whether the consignment meets sanitary and phyto-sanitary requirements.

Section 42. *Prohibition of Transfer of Consignments without the DA Seal.* No consignment shall be transferred to the authorized premise/final destination as indicated in the SPSIC and the e-RFI, without the DA seal, device, fastenings, or other markings affixed at the Port of Entry by the DA Quarantine Officer. The authorized premise or final destination must be DA Registered Storage Facilities.

Section 43. *Completion of the Transport Procedure.* The transport procedure shall be considered completed upon receipt of the consignments by the DA Quarantine Officer at



the authorized premise of destination in compliance with the existing regulations of the concerned DA Border Agency.

Section 44. *Liabilities of the Transporter.* The transporter who accepts to move the goods observing the transport procedure shall also be responsible for the presentation of the goods at the authorized premise, by means of any directed route as may be specified by DA, within any directed time limit and with seals, fastenings, device or identification marks remaining intact.

ARTICLE VIII INSPECTION AT THE STORAGE FACILITY

Section 45. *Inspection in the DA Registered Storage Facility.* All consignments must be subjected to risk-based inspection at a DA Registered Storage Facility. Based on the procedure prescribed by the concerned DA Regulatory Agency pursuant to Section 6 of this Circular, the DA Quarantine Officer shall conduct risk-based inspection of the contents of the consignment at the accredited/registered/licensed warehouse. The outcome of pre-border technical verification of the consignments and other risk assessment measures shall be considered by the DA Quarantine Officer in the conduct of risk-based inspection in the DA Registered Storage Facility.

Section 46. *Collection of Samples for Laboratory Analysis and Quality Testing.* The DA Quarantine Officer may collect representative samples to be submitted for laboratory analysis regardless where the goods were inspected, whether at the Port of Entry or at a DA Registered Storage Facility.

Section 47. *Conduct of Laboratory Testing in DA and DA-Accredited Laboratories.* Examination and laboratory analysis for quality and safety shall be performed at DA Central Laboratories or other DA-accredited laboratories. This shall cover, but are not limited to, the determination of the presence of insects, parasites, weed seeds (for plant and plant products/materials), chemical residues, heavy metals, and other pathogenic microorganisms. The cost of analysis shall be borne by the importer. The fees collected shall be deposited in a special fund that the laboratories can use to sustain their operations.

Section 48. *Simultaneous Conduct of Testing.* Whenever a consignment may contain commodities that are regulated by more than one (1) DA Regulatory Agency as stated in Section 6 of this Circular, the concerned agencies may conduct simultaneous or joint inspection and analysis of samples.

Section 49. *Disclosure of the Results of the Inspection.* The DA Quarantine Officer and/or DA Inspection and Enforcement Officer shall advise the importer or his authorized representative, and the BOC, if necessary, of the results of the inspection at



the DA Registered Storage Facility. The information shall accordingly be encoded in the DA Trade System.

ARTICLE IX VIOLATIONS AND PROHIBITED ACTS

Section 50. *Violations Resulting in Seizure, Recall, Confiscation or Refusal of Entry.* Consignments shall be seized, confiscated, recalled, or refused transfer to a DA Registered Storage Facilities upon finding of any of the below reason during the inspection:

- a. The integrity of the product/commodity has been compromised based on physical appearance or organoleptic examination;
- b. The product/commodity is included in the list of prohibited importations, as provided by the RA 1937, *"Tariffs and Customs Code of the Philippines"*, RA 10863, *"Customs Modernization and Tariff Act"* and by appropriate statutes and issuances;
- c. The product/commodity is forbidden or restricted from sale in the country in which it was produced or from which it was exported;
- d. The subject product/commodity arrived without the required SPSIC and International SPS Certificate;
- e. The subject product/commodity arrived with a fake/tampered or expired SPSIC;
- f. The subject product was entered into the Philippines illegally;
- g. There are visible signs and symptoms of pests/diseases observed during initial inspection;
- h. If the commodity, after inspection and/or laboratory tests, failed to comply with, or violated the terms and conditions per SPS Measures, as provided in the accompanying SPSIC;
- i. Upon laboratory evaluation and certification, the product/commodity contains hazardous chemical elements and residues, such as fertilizer and pesticide residues, antimicrobial residues; heavy metals; toxins; and, other contaminants above the maximum levels set by the Philippines, ASEAN, or Codex Standards;
- j. Other analogous circumstances that warrant refusal of entry and/or seizure of the imported subject product/commodity;
- k. The product/commodity fails to comply with or violates the terms and conditions embodied in the SPSIC and this Circular;
- l. The product/commodity is determined to be injurious, dangerous, adulterated, contaminated, noxious, misbranded, misdeclared, or unregistered;



- m. The product/commodity is commingled with product/commodity that has different tariffs;
- n. The product/commodity is commingled with other product/commodity such as fishery with meat;
- o. The shipment has been mixed with products/commodities other than the one stated in the SPSIC.

Section 51. *Additional Guidelines for Imported Meat and Meat By-Products.* The following general guidelines shall be adopted for the seizure, confiscation, and disposal of imported meat and meat by-products at the Port of Entry:

- a. Frozen meat shall be kept at a product temperature no higher than 0°C during its handling transport, storage, distribution, and sale. Meat should be transported at recommended temperatures that do not promote the growth of harmful bacteria. The conveyances and bulk containers should be designed and constructed so that they can effectively maintain temperature, humidity, atmosphere, and other conditions necessary to protect food from harmful or undesirable microbial growth and deterioration likely to render it unsafe or unsuitable for consumption; and,
- b. Imported meat showing signs of thawing (such as, but not limited to meat being soft to touch, blood drippings at the package/container; color and odor changes from thawing and refreezing or having foul/putrid smell), is indicative that the required freezing temperature was not maintained during transit.

Section 52. *Prohibition on Breaking of Seals.* The importer or his authorized representative is prohibited from breaking the DA Seal and the BOC Seal, in case of the presence of the latter. The DA Seal and the BOC Seal, whenever present, shall only be broken by the duly assigned officer from the DA at the DA Registered Storage Facilities, in the presence of the following:

- a. Importer/authorized representative;
- b. TBOC Inspector, whenever present;
- c. Owner or operator of the DA Registered Storage Facility, or their duly authorized representative/s; and,
- d. Duty Free Authority representative, whenever applicable.

ARTICLE X

REGULATORY ACTION ON NON-COMPLIANT SHIPMENTS OR COMMODITIES

Section 53. *Referral for Further Examination and Action on Consignments with Potentially Derogatory or Adverse Findings.* Should the DA Quarantine Officer detect any risk, sign, or suspicion of potential pest/disease, damage, exposure, or



contamination, the consignment or the goods at risk within the consignment, may be subjected to laboratory testing of the concerned DA Border Agency, subject to their respective rules and regulations. All commodities of the shipment shall be put on hold, subject to the final decision of the concerned DA Border Agency.

Section 54. *Sanctions on Consignments without SPSIC.* All consignments without the required SPSIC, or other regulatory clearances stipulated in this Circular, or those found to be non-compliant with the conditions set forth in the SPSIC based on applicable required SPS Measures, shall not be cleared for release and shall be put on hold for proper disposition by the BOC based on the manner of disposition agreed upon with the DA pursuant to Section 65 of Article XI of this Circular.

Section 55. *Sanctions on Misrepresentation.* Importers and their authorized representatives shall be held liable and subjected to existing administrative, penal, and legal sanctions, including, but not limited to, the cancellation of the importer's license for any misrepresentation in the information declared in the SPSIC application and other relevant documents.

Section 56. *Temporary Action on Consignments with Confirmed Derogatory or Adverse Findings.* Consignments with confirmed derogatory/adverse findings after confirmatory testing are put on hold for proper disposition by concerned DA Regulatory Agencies. Consignments shall be appropriately secured pending decision on the appropriate procedure pursuant to Section 65 of Article XI of this Circular.

Section 57. *Investigation of Consignments with Derogatory or Adverse Findings.* The concerned DA Border Agency may summon the importer to provide a satisfactory explanation in connection with the derogatory or adverse findings on the consignment depending on the nature of the findings. Alternatively, the concerned DA Border Agency may require the submission of an original affidavit of undertaking within five (5) working days. Failure to comply with this provision shall result in the confiscation of the goods in question and their disposition pursuant to the relevant provisions of this Circular.

Section 58. *Final Action on Consignments with Confirmed Derogatory or Adverse Findings.* Final action and disposition on the consignment shall be made by the concerned DA Regulatory Agency as stated in Section 6 of this Circular upon confirmation of derogatory or adverse findings through laboratory testing.

Section 59. *Action on Consignments Potentially Non-Compliant with the Transport Procedure.* If the DA Quarantine Officer has reasonable cause to suspect that the consignment or goods have not been transported in compliance with the required transport regulations, or that the consignment has undergone any changes or have been accessed during transfer, the DA Quarantine Officer shall:

- a. Issue a Hold Order and/or Notice of Violation;



- b. Collect samples for laboratory analysis;
- c. Summon the importer to appear at the concerned office and issue to the importer a Show Cause Order for the circumstances leading to the non-compliance with the Transport Procedure, causing damage or breaking of the DA Seal;
- d. If laboratory tests are negative for any pest/disease/ contamination/residues, or consignments' content remain the same as stated in the SPSIC, the Border Agency may consider the explanation of the importer, and when accepted the importer is required to submit an original affidavit of undertaking to be retained by the DA; and,
- e. Upon receipt of the affidavit of undertaking, proceed with the appropriate inspection.

Section 60. *Electronic Tagging of SPSIC of Confiscated Shipments.* The DA Quarantine Officer shall electronically tag in the DA Trade System as "Confiscated" the SPSIC used for the confiscated shipment either at or in both the preliminary and final border inspection.

Section 61. *Disclosure to the BOC Examiner.* The DA IEOfficer shall inform the BOC Examiner whether the subject product/commodity is for seizure or refusal of entry. In case of seizure, the product/commodity shall be seized without delay as stipulated under Sections 116 and 117 of RA 10863. This procedure shall also be followed in case of products/commodities in transit.

Section 62. *Exemption from Refusal of Entry or Seizure.* The subject product/commodity shall be exempt from refusal of entry or seizure if such product/commodity is exported under regulations prescribed by the BOC. Such exemption remains valid within ninety (90) days from the date of notice of such refusal or within such time as may be permitted pursuant to such regulations.

Section 63. *Authority to Seize Consignments During Physical Inspection.* After the physical inspection, the DA Quarantine Officer is authorized to recommend appropriate action upon determination and decision to seize the consignment, subject to the final decision of the Head of the concerned DA Border Agency corresponding to the commodity in question.

Section 64. *Letter Request for Seizure.* The Letter Request from the DA Quarantine Officer for Seizure shall state the reason/s for the seizure. Each of the following officers shall be furnished with a copy of the request letter (1) BOC District Collector; (2) importer and (3) concerned DA Quarantine Officer. Further, the notice shall indicate the date of condemnation and disposal of the product or commodities.

ARTICLE XI



DISPOSAL OF CONSIGNMENT IN CUSTODY

Section 65. *Modes of Disposition.* The mode of disposition shall be pursuant to existing regulations, such as but not limited to the RA 10863 and other relevant policies and guidelines. The prescribed mode or manner of disposition for imported agri-fishery commodities shall be limited to:

- a. Confiscation/seizure and destruction;
- b. Return to country of origin;
- c. Shipped to a third country; or
- d. Donation.

Section 66. *Authority to Determine Manner of Disposition.* The appropriate mode/manner of disposition shall be determined by the Secretary or the Head of concerned DA Border Agency. Actual disposition shall be undertaken by the BOC pursuant to Section 1141 of the RA 10863 and other relevant policies and guidelines.

Section 67. *Disposition of Regulated Foods with Commercial Value and Capable of Legitimate Use.* Seized agricultural and fishery commodities, except perishable goods, which have commercial value and capable of legitimate use may be disposed by the BOC through donation to government institutions, including the DA, subject to the approval of the Secretary of the Department of Finance (DOF) in accordance with RA 10863 and Customs Administrative Order (CAO) No. 03-2020, Item 4.2, Nos. 4.2.2 and 4.2.7; *Provided*, That prior to donation, the concerned DA Regulatory Agency has determined that the subject seized commodities are compliant with the applicable food safety standards and SPS measures issued pursuant to RA 10611, its Implementing Rules and Regulations, RA 9296 as amended by RA 10536, RA 3639, RA 1556, RA 8550, as amended, PD No. 1433, as amended, and other pertinent laws, rules and regulations; *Provided, further*, That the concerned DA Regulatory Agency shall issue the necessary guidelines on food safety standards compliance and SPS measures as well as rules and regulations to implement this provision; *Provided, finally*, that the sale of the donated commodities shall only be made in areas where there is shortage of supply or a need to effect changes in its prevailing price pursuant to RA 7581, “*Price Act of 1992*”.

Section 68. *Prohibition of Public Auction as Mode of Disposition.* Pursuant to Section 1148 of RA 10863, which vested the DA with the authority to determine the mode of disposition of agricultural and fishery commodities, public auction is hereby prohibited as a mode for the disposal of the said agricultural and fishery commodities, including rice and sugar.

Section 69. *Abandoned Commodities.* All seized commodities whose importer cannot be determined shall be considered abandoned commodities, and shall be subjected to seizure and disposal. Donation of abandoned commodities is hereby prohibited.



Section 70. *Non-Prohibition of Subsequent Prosecution.* The impounding or seizure shall not be a bar to subsequent prosecution in the court of the person/s concerned in accordance with law.

Section 71. *Sale of Seized Commodities Donated to DA.* Seized agricultural and fishery commodities donated to DA, upon clearance based on laboratory testing or subject to treatment, shall be sold through the Food Terminal Inc. (FTI) at the Kadiwa Centers at prevailing retail price. Proceeds from the sale of said commodities shall be utilized to support the agricultural sector, the expansion of the Kadiwa Program of the DA, and fund the necessary laboratory testing and analyses to determine compliance with food safety standards and SPS measures.

ARTICLE XII

RESPONSIBILITIES AND LIABILITIES OF THE IMPORTER AND THEIR AUTHORIZED REPRESENTATIVES

Section 72. *Responsibility on Compliance with SPS Conditions.* The importer shall ensure that the regulated goods and the consignment are compliant with the conditions of the SPSIC and all other SPS rules and regulations. The importer shall be responsible for:

- a. The accuracy of information contained in the SPSIC and the e-RFI, in any prescribed manual declaration, and all information provided to the DA including to any employee or representative or authorized person of the DA;
- b. The compliance with all the obligations stipulated in the SPSIC and the placement of the goods in the SPS procedure; and,
- c. The type and route of transport, the complete name and address of the ultimate consignee, and the exact location of the final place of destination.

Where a declaration is made by an authorized representative on behalf of the importer, the authorized representative shall also be bound by the obligations set forth in the relevant provisions of this Circular.

Section 73. *Responsibility on Transport Procedure.* The importer of goods placed under a transport procedure shall be responsible for:

- a. Presentation of the goods and the required information or documents at the directed authorized premise within the directed time limit (where there is a required time limit), by means of any directed route, without the goods having undergone any change and without having been used or accessed and with seals, fastenings, device or identification marks intact;
- b. Observance of the rules and regulations relating to the procedure; and,



- c. Immediate reporting to the DA of any change in conditions or circumstances during the transport.

Section 74. *Responsibility of the Importer or Importer's Representative During Physical Inspections.* For the purpose of assisting in the conduct of the physical inspection, the importer, or his authorized representative, shall, upon the request of the DA Quarantine Officer or other authorized persons, remove any covering from the goods, unload the conveyance or open any part of it, or open and unpack any package suspected by the DA Quarantine Officer of being contaminated by or harboring a regulated pest or organism.

Section 75. *Expenses of Government Personnel Arising from Destruction or Disposition of Seized Commodities.* All expenses, including travel, per diem or subsistence, overtime pay, and premium pay, of officers or employees of the Philippine government in connection with the destruction or disposition of the seized product/commodity and all expenses in connection with the storage, cargo or labor with respect to any product/commodity refused admission shall be paid by the importer.

Section 76. *Liability for Impounding and Disposition.* In all of these cases, the impounding and disposition shall be at the expense of the Importer.

ARTICLE XIII SANCTIONS, PENALTIES AND APPEALS

Section 77. *Sanctions and Penalties.* The existing laws, and rules and regulations of the concerned DA Regulatory Agency prescribing the violations and corresponding penalties shall be applied and imposed.

Section 78. *Appeal.* Decisions of the Head of the concerned DA Border Agency may be appealed to the DA Secretary within ten (10) days from notice of the action. The Decision of the Secretary is final and executory as provided for by law, and in accordance with the applicable relationships as specified in Chapters 7-9 of Book IV, Introductory Provisions, of EO No. 292, series of 1987.

ARTICLE XIV REGULATORY MANAGEMENT

Section 79. *Mutual Recognition of Common Regulatory Requirements.* All documentary requirements required for securing relevant authorizations common to all DA Regulatory Agencies as stipulated in DC No. 6, series of 2023, and other relevant issuances shall be recognized for the purpose of compliance with the relevant provisions of this Circular.



Section 80. Fees and Charges. The current amount of fees and charges being imposed and collected by the concerned DA Regulatory Agency shall continue to be observed.

Section 81. Post-Implementation Review. Pursuant to Section 5 of RA 11032, this Circular is hereby issued consistent with the provisions on pilot implementation of regulations. There shall be a mandatory review after two (2) years from the issuance of this Circular in compliance with the provisions for ex-post assessment of regulations pursuant to Anti-Red Tape Authority (ARTA) Memorandum Circular No. 2022-06. Revisions to this Circular shall observe the principles of good regulatory practices set forth in Department Order (DO) No. 10, series of 2024, with the subject “*Common Framework for the Updating of Existing Regulatory Policies in the Department of Agriculture*”.

ARTICLE XV FINAL PROVISIONS

Section 82. Transitory Provision. All in-transit consignments shipped out from the country of origin prior to the effectiveness of this Circular shall be subject to the provisions of the concerned DA Regulatory Agency’s rules and regulations.

Section 83. Repealing Clause. DA Administrative Circular No. 6, series of 2022, is hereby repealed. All other orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Circular are also hereby repealed or modified accordingly.

Section 84. Applicability. This Circular shall have *suppletory applications* to existing regulations issued by this Department concerning the importation of Agricultural, Fish, Fishery/Aquatic, its Products and By-Products, Animal Feed Ingredients and Feed Additives; and, Fertilizers, Pesticides and other Agricultural Chemical Products into the Philippines.

Section 85. Separability Clause. If any portion of this Circular is declared unconstitutional or invalid, the other portions thereof which are not affected thereby shall continue to be in full force and effect.

Section 86. Effectivity. This Circular shall take effect fifteen (15) days after completion of its publication in the Official Gazette or in a newspaper of general circulation and its filing with the Office of the National Administrative Register of the University of the Philippines Law Center.

Done this ____ day of _____ 2025.



FRANCISCO P. TIU LAUREL JR.
Secretary

