



Republic of the Philippines  
**DEPARTMENT OF AGRICULTURE**  
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DEPARTMENT OF AGRICULTURE  
0417-0418-0419-0420-0421-0422-0423-0424-0425-0426-0427-0428-0429-0430-0431-0432-0433-0434-0435-0436-0437-0438-0439-0440-0441-0442-0443-0444-0445-0446-0447-0448-0449-0450-0451-0452-0453-0454-0455-0456-0457-0458-0459-0460-0461-0462-0463-0464-0465-0466-0467-0468-0469-0470-0471-0472-0473-0474-0475-0476-0477-0478-0479-0480-0481-0482-0483-0484-0485-0486-0487-0488-0489-0490-0491-0492-0493-0494-0495-0496-0497-0498-0499-0500-0501-0502-0503-0504-0505-0506-0507-0508-0509-0510-0511-0512-0513-0514-0515-0516-0517-0518-0519-0520-0521-0522-0523-0524-0525-0526-0527-0528-0529-0530-0531-0532-0533-0534-0535-0536-0537-0538-0539-0540-0541-0542-0543-0544-0545-0546-0547-0548-0549-0550-0551-0552-0553-0554-0555-0556-0557-0558-0559-0560-0561-0562-0563-0564-0565-0566-0567-0568-0569-0570-0571-0572-0573-0574-0575-0576-0577-0578-0579-0580-0581-0582-0583-0584-0585-0586-0587-0588-0589-0590-0591-0592-0593-0594-0595-0596-0597-0598-0599-0600-0601-0602-0603-0604-0605-0606-0607-0608-0609-0610-0611-0612-0613-0614-0615-0616-0617-0618-0619-0620-0621-0622-0623-0624-0625-0626-0627-0628-0629-0630-0631-0632-0633-0634-0635-0636-0637-0638-0639-0640-0641-0642-0643-0644-0645-0646-0647-0648-0649-0650-0651-0652-0653-0654-0655-0656-0657-0658-0659-0660-0661-0662-0663-0664-0665-0666-0667-0668-0669-0670-0671-0672-0673-0674-0675-0676-0677-0678-0679-0680-0681-0682-0683-0684-0685-0686-0687-0688-0689-0690-0691-0692-0693-0694-0695-0696-0697-0698-0699-0700-0701-0702-0703-0704-0705-0706-0707-0708-0709-0710-0711-0712-0713-0714-0715-0716-0717-0718-0719-0720-0721-0722-0723-0724-0725-0726-0727-0728-0729-0730-0731-0732-0733-0734-0735-0736-0737-0738-0739-0740-0741-0742-0743-0744-0745-0746-0747-0748-0749-0750-0751-0752-0753-0754-0755-0756-0757-0758-0759-0760-0761-0762-0763-0764-0765-0766-0767-0768-0769-0770-0771-0772-0773-0774-0775-0776-0777-0778-0779-0780-0781-0782-0783-0784-0785-0786-0787-0788-0789-0790-0791-0792-0793-0794-0795-0796-0797-0798-0799-0800-0801-0802-0803-0804-0805-0806-0807-0808-0809-0810-0811-0812-0813-0814-0815-0816-0817-0818-0819-0820-0821-0822-0823-0824-0825-0826-0827-0828-0829-0830-0831-0832-0833-0834-0835-0836-0837-0838-0839-0840-0841-0842-0843-0844-0845-0846-0847-0848-0849-0850-0851-0852-0853-0854-0855-0856-0857-0858-0859-0860-0861-0862-0863-0864-0865-0866-0867-0868-0869-0870-0871-0872-0873-0874-0875-0876-0877-0878-0879-0880-0881-0882-0883-0884-0885-0886-0887-0888-0889-0890-0891-0892-0893-0894-0895-0896-0897-0898-0899-0900-0901-0902-0903-0904-0905-0906-0907-0908-0909-0910-0911-0912-0913-0914-0915-0916-0917-0918-0919-0920-0921-0922-0923-0924-0925-0926-0927-0928-0929-0930-0931-0932-0933-0934-0935-0936-0937-0938-0939-0940-0941-0942-0943-0944-0945-0946-0947-0948-0949-0950-0951-0952-0953-0954-0955-0956-0957-0958-0959-0960-0961-0962-0963-0964-0965-0966-0967-0968-0969-0970-0971-0972-0973-0974-0975-0976-0977-0978-0979-0980-0981-0982-0983-0984-0985-0986-0987-0988-0989-0990-0991-0992-0993-0994-0995-0996-0997-0998-0999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-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**SECTION I.**  
**DEFINITION OF TERMS**

A. Definitions. As used in this Order, the following words, terms and phrases shall be construed to mean as follows:

1. Accredited Importer – refers to an institutional buyer individual or entity directly engaged in agricultural and fishery products
2. Agricultural products – products enumerated in Annex I of the WTO Agreement on Agriculture.
3. Animal by-products – includes hides, horns, skin, bones, hooves, feathers and other parts or products animals
4. Animal products – fresh meat, meat products gelatin, eggs, egg products, milk, milk products and honey when intended for human consumption, meat-meal, liver-meal, bone-meal, blood-meal, feather-meal, pork fat and milk products when intended for use in animal feeding, animal organs, tissues and 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
5. Animals as potential agricultural crop pests – certain species of animals that are liable to become crop pests in all life stages such as insects, monkeys, rodents, bats, birds, snails and other forms of animal life capable of causing injury to agricultural crops
6. Bill of lading – document evidencing receipt of goods for shipment issued by person engaged in business of transporting or forwarding goods and it includes airway bill. It is receipt for goods, contract for their carriage and is documentary evidence of title to goods
7. Biomolecules – organic molecules and their synthetic forms occurring in living organisms
8. Competent authority – bureau or agency, mandated by law, with having responsibility and competence for ensuring and supervising the implementation of SPS measures or other standard codes
9. 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 the determination of unsafe or unsuitable products for human consumption and requiring appropriate disposal thereof
10. Confiscation – taking into custody of products by the competent authority for the proper disposal for having been the subject of violation of herein rules and regulations or any pertinent law or rule or regulation
11. Consignment – quantity of agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, veterinary drugs or biological products bound for a customer into the country and conveyed by one means of transportation
12. DA Border Inspector – includes BFAR Fisheries Quarantine Officer, BAI Animal Quarantine Officer, NMIS Meat Control Officer and Meat Inspector and BPI Plant Quarantine Officer stationed

in every international seaport and airport and inspection area/facility in the Philippines who perform quarantine and product safety/quality inspection, documentation and clearance

13. Feed – a mixture of feed ingredients by specific formula as food for animals
14. Feed ingredient – any single article, raw material or feeding stuff which enters into the composition of a feed or a ration, concentrate, supplement or additive
15. Fertilizer – includes any substance, solid or liquid or any nutrient element or elements organic or inorganic singly or in combination with other materials, applied directly to the soil or to the plant for the purpose of promoting plant growth, increasing crop yield or improving their quality
16. Final border inspection – last form of inspection and clearance of agricultural products, fish and fishery products including agricultural inputs being undertaken by the Department of Agriculture Border Inspectors (DABI) assigned at the final point of border control to ensure that such imported products/commodities have finally satisfied the DA safety, quality and environmental requirements before their distribution for domestic use
17. Fish and fishery/aquatic products – products enumerated in the World Customs Organization (WCO) Harmonized Tariff System including finfish, mollusks, crustaceans, echinoderms, marine mammals and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
18. Genetically Modified Organisms (GMO) – living organisms, the genetic material of which have been altered or modified by any of the varieties of modern molecular biology to make them capable of producing new substances or perform new functions
19. Importation – act of bringing into the country by sea, land or air foreign products intended for planting, consumption, manufacturing, trading, distribution, domestication, formulation, repacking or by any other purposes
20. Importer – owner or consignee or clientele of shippers of merchandise or for whose account or benefit the consignment is made
21. Import Permit – written certificate issued by the concerned authority stating the volume of consignment. This includes the minimum access volume (MAV) import certificate
22. International SPS Certificate – a written guarantee issued by a competent authority from the country of origin, certifying that the products have been handled, processed and packed in a hygienic manner and do not contain microorganisms, harmful substances that may pose food safety hazard and endanger human, animal or plant life or health and includes international health certificate, international phytosanitary certificate and international veterinary health certificate
23. Meat – fresh, chilled or frozen edible carcass including offal derived from food animals
24. Meat product – 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
25. Microorganisms – include but not limited to viruses, bacteria, fungi, parasites and other similar organisms and their products in any form
  26. Must ship out by date – 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 SPS Import Clearance
  27. Other agricultural chemicals – chemicals, chemical inputs and chemical compounds not covered under the definition of fertilizer and pesticide but utilized by the agricultural sector
  28. Packaging – procedure of protecting the products by a wrapper, container or any other suitable device
  29. Packing materials – includes leaves, straw, wood, bark and other plant materials used as wrapping, packing or covering and are capable of harboring plant pests to pack any imported products
  30. Person – any natural or juridical person such as corporation, partnership, society, association, firm, company and other legal entity
  31. Pesticide – 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. The term shall be understood to include insecticide, fungicide, bactericide, nematocide, herbicide, molluscicide, avicide, rodenticide, plant regulator, defoliant, desiccant and the like
  32. Plants – living plants and parts thereof including seeds, cuttings, rhizomes, bulbs and corms, grafts, leaves, roots, scions and other plant parts that are capable of propagation
  33. Plant pest – any form of plant or animal life or any pathogenic agent injurious or potentially injurious to plants or plant products
  34. Plant products – products derived from plants either in their natural state or in manufactured or processed form and are capable of harboring plant pests
  35. Preliminary border inspection – initial inspection and examination of agricultural products, fish and fishery products including agricultural inputs being undertaken by the DA Border Inspectors (DABI) assigned at the ports of entry to ensure that such imported products/commodities have satisfied the DA quarantine and inspection requirements prior to their release to the final point of border control
  36. Sanitary and Phytosanitary Measures – measures relating to food safety and quality, and animal and plant safety and quality standards, rules and regulations including documentary and certification requirements in the production, handling, transport, importation, exportation and marketing and distribution of all agricultural and fishery products as well as the DA quarantine and product safety/quality inspection and clearance

37. Secretary – means the Secretary of the Department of Agriculture

38. Smuggling – importation of prohibited commodities (outright smuggling) as well as the misdeclaration/misclassification/undervaluation of imported goods/products in violation of the Tariff and Customs Code of the Philippines and related laws. It also refers to the illegal entry of imported agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, veterinary drugs or biological products into Philippine territories including special economic and free-port zones without the required SPS clearance/import permit and/or without undergoing the mandatory DA border control measures which include quarantine and product safety/quality inspection and clearance

39. SPS Import Clearance – document issued prior to importation by the concerned bureau or 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.

40. Veterinary biological products – viruses, bacteria, live micro-organisms, killed micro-organisms, component or products of micro-organism, anti-sera sera, antigens, antibodies, toxins test kits, or analogous products and other homologous substances whether of natural or synthetic origin, intended for use in the diagnosis, treatment and prophylaxis of diseases of animals or for the identification of the causative organisms of a disease of animals and for research purposes

41. Veterinary drugs and products – any substance, including biological products, applied or administered to food producing, companion, aquatic, laboratory and exotic animals, whether used for therapeutic, prophylactic or diagnostic purposes or for modification of physiological functions or behaviors

B. Acronyms used in this Order shall refer to :

1. BAI - Bureau of Animal Industry
2. BFAR - Bureau of Fisheries and Aquatic Resources
3. BOC - Bureau of Customs
4. BPI - Bureau of Plant Industry
5. DA - Department of Agriculture
6. DABI - DA Border Inspector
7. FIDA - Fiber Industry Development Authority
8. FPA - Fertilizer and Pesticide Authority
9. GMO - Genetically Modified Organisms
10. NFA - National Food Authority
11. NMIS - National Meat Inspection Service
12. NTA - National Tobacco Administration
13. PCA - Philippine Coconut Authority
14. RFU - Regional Field Unit
15. SPS - Sanitary and Phytosanitary Measures
16. SRA - Sugar Regulatory Administration

## SECTION II. COVERAGE

Scope – This Order covers the importation of:

- A. Plant, plant products and other related materials capable of harboring plant pests to include:
  - 1. living plants
  - 2. nursery stocks, including vegetative parts thereof used as propagating materials
  - 3. seeds and nuts for planting
  - 4. fresh fruits, vegetables and other plant products which have been declared as prohibited/restricted import under special quarantine orders because of being known host of dangerous plant pest or originating from restricted areas.
  - 5. pure culture of fungi, bacteria, virus, nematodes and other phytopathogenic materials
  - 6. mushroom cultures including spawn
  - 7. algae cultures, rhizobial cultures as legume inoculants
  - 8. soil and plant materials for isolation or organism
  - 9. other plant cultures
  - 10. wood packaging materials and other packing materials capable of harboring plant pests
  - 11. frozen/chilled fruits and vegetables including diced vegetables and processed fruits
  - 12. grains and cereals
  - 13. other plant products
- B. Animals, animal products and by-products
- C. Live/fresh/chilled/frozen fish and fishery and aquatic products including microorganisms and biomolecules
- D. Fertilizers, pesticides and other agricultural chemicals
- E. Feeds, feed ingredients, and other feed products
- F. Meat and meat products
- H. Pet foods
- I. Processed agriculture and fishery products not elsewhere specified
- J. Veterinary biological products
- K. Veterinary drugs and products

**SECTION III.  
APPLICATION AND ISSUANCE  
FOR SPS IMPORT CLEARANCE**

A. Any accredited importer who desires to import any of the products enumerated in Section II except Sec. II. A. 10 hereof, must secure an SPS Import Clearance (Annex "A" hereof) from any of the following:

1. Issuing bureau or agency

- a. BAI - for animals (including small animals that are plant pests except insects), animal feeds and feed ingredients, animal products and by-products including meat and meat products, eggs, milk, dairy, veterinary drugs and biological products
- b. BFAR - for fish, fishery/aquatic products as enumerated in Section I.A.16, fish intended for feed and products used in fish propagation
- c. BPI - for plants and plant products as enumerated in Section II.A
- d. FPA - for fertilizers, pesticides and other agricultural chemicals

2. The application form can be secured from and submitted to the concerned agencies, or submitted electronically through any service provider authorized by the Department of Agriculture with the following attached documents:

1. Pro-forma invoice
2. Notarized affidavit of undertaking as required by the concerned bureau or agency, to be included in the accreditation process
3. Official Receipt, for manual application
4. Other commodity specific requirements, including permits/clearances from other concerned agencies

B. Application shall undergo automated validation for compliance to the submission of mandatory data, and manual review for compliance to the requirements and attached documents. It shall be placed "under review" status. If it is sufficient in form and substance, the reviewer shall endorse to the recommending officer. If the application is incomplete or not in the proper format, the application shall be rejected and the applicant shall be informed accordingly with the additional requirement.

C. If the recommending officer found the application sufficient in form and substance, it shall be forwarded to the approving authority.

D. The approving authority approves the application and the applicant can view and print the approved SPS Import Clearance. The application shall only be approved and issued a SPS Import Clearance by the concerned bureau or agency upon determination of the following:

1. The exporting company or country/zone is registered/accredited by the concerned DA bureau or agency and is in "good standing"

2. Latest advisory of the relevant international bodies (OIE, IPPC, Codex and other DA recognized bodies) and/or the exporting government on the "absence" of relevant disease/pest outbreaks, contaminations and other SPS-related risks
3. The applicant importer is licensed by the concerned DA bureau or agency and is in "good standing", except when the concerned bureau or agency determines that importer licensing is not required
4. The product is registered with and/or included in the list of allowable commodities of the concerned DA bureau or agency, if applicable
5. The applicable risk management protocols that are to be prescribed including certifications of exporting governments, if applicable; and
6. Other information pertinent to SPS concerns.

E. Close coordination/consultation shall be observed in processing the issuance of SPS clearances for products involving more than one DA bureau/agency, as follows:

1. BPI with BAI (unprocessed feeds and feed ingredients of plant origin such as grains), FIDA (for fibers including coir), PCA (for coconuts, coconut products and by-products, including processed coconut coir, and oil palm and its by-products), NTA (for tobacco), SRA (for sugar beet and sugar cane), NFA (for palay and rice), and BFAR (for seaweeds and aquatic plants)
2. BAI with NMIS (for meat and meat products), BPI (for small animals that are plant pests) and BFAR [for brine shrimp (artemia cyst)]
3. PPA with BFAR (for agro chemicals for fishery and aquatic use) and BPI and BAI (for other agricultural chemicals)

F. Must ship out by date – The SPS Import Clearance shall indicate the period for which the actual product/consignment should have left the country of origin which period is reckoned from the date of issuance of the SPS Clearance as follows:

1. 15 days for live milk fish
2. 30 days for other live, fresh, chilled or frozen fish and fishery/aquatic products
3. 20 days for fresh and chilled fruits and vegetables;
4. 60 days for eggs, milk and dairy products, animal feeds and feed ingredients and other products of animal origin i.e. embryos and semen, frozen fruits and vegetables
5. 60 days for live animals, , meat and meat products, veterinary drug and products, fertilizers, pesticides and other agricultural chemicals
6. 90 days for veterinary biological products
7. 60 days for all other products not specified immediately above

The SPS Import Clearance shall be valid for a period specified above unless sooner revoked for any of the reasons set forth in this Section I. An unused SPS Import Clearance shall be considered automatically expired/cancelled after its must ship out by date.

A particular consignment of a product shall be loaded at the port of the country of origin on or before the last day of the "Must Ship Out by Date" of the corresponding SPS Import Clearance. Only such a consignment that is shipped not later than this date shall remain having a valid SPS Import Clearance once it arrives at any date in any of the Philippine international ports otherwise it shall be subjected to confiscation procedures as provided for under Section VII hereof.



In no case shall the date of loading at the port of the country of origin as specified in the bill of lading be earlier than the date of issuance of the SPS Import Clearance otherwise it shall be subjected to confiscation procedures as provided for under Section VII hereof.

G. However, the fish, fishery/aquatic products must arrive within thirty (30) days from date of issuance of the SPS Import Clearance in case of consignment by air and within sixty (60) days in case of consignment by sea.

H. The SPS Import Clearance shall be good for one shipment and is not transferable to other persons.

I. The SPS Import Clearance may be suspended or revoked at any time for any of the following grounds:

1. Providing false information in the application form or in any of the accompanying documents to the application
2. Misdeclaration of consignment
3. Violation of relevant SPS and biosafety rules and regulations or any conditions imposed in the SPS Import Clearance
4. Refusal to allow the inspection of the physical containment facility or intermediate destination of the product
5. Legal authority to commercially distribute the product in the country of origin has been suspended or revoked; or
6. New technical information becomes available to the concerned bureau or agency indicating that the product, if allowed for its intended use will result to risks to human, animal or plant health or life and the environment.

J. Modification, revocation or cancellation of the SPS Import Clearance shall be without prejudice to being further subjected to penalties.

#### SECTION IV. APPEAL

Decision of the concerned bureau or agency head may be appealed to the DA Secretary within ten (10) days from notice of the action.

#### SECTION V. FEES AND CHARGES

The current amount of fees and charges being imposed and collected by the concerned bureau or agency shall continue to be observed.

#### SECTION VI. INSPECTION AT THE PORT OF ENTRY

A. Forty-eight (48) hours before the arrival of a consignment at the preliminary border inspection site (port of entry), the importer or his authorized representative shall notify the concerned DA Border Inspector by completely filling out Section 1 – Application for Import Inspection as contained in the DA Border Inspector's Report Form (Annex "B" hereof) and submitting the same. After the products have been inspected and before removing them from the place of landing, the

importer shall also indicate in the said form, 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.

B. The products and if included, their packing materials shall not be removed or transferred from the place of landing nor released to the importer without the written approval of the DA Border Inspector. Provided, that official covering document issued by the BOC allowing transfer of such cargoes to bonded warehouses, container yards and other places outside the customs zone shall first be coursed to the DA Border Inspector for notation and/or approval before actual transfer commences.

C. A consignment may be in bulk or consist of a number of packages, crates or cartons containing either uniform or various unit sizes of the product containers, arriving all at one time in one port of entry or in several portions or batches, all arriving in one port provided the whole consignment is covered only by one (1) bill of lading/airway bill.

D. Upon arrival, the consignment shall be subjected to the following DA border inspection requirements:

1. Documentation – The SPS Import Clearance, original International SPS Certificate from competent authority of the country of origin, airway bill/ bill of lading and invoice and if applicable other supporting documents that may be required by the concerned agency must be presented and surrendered to the DA Border Inspector. In the absence of an International SPS Certificate, the consignment shall be kept in a storage facility for a period not exceeding ten (10) days to allow the importer to submit said document, provided the date of the SPS certificate is not earlier than the date of the SPS Import Clearance. Failure to comply with the same within the specified period, the consignment shall be returned to the country of origin or disposed of with the expenses involving storage, return to origin or disposition of the consignment being borne by the importer.
2. Preliminary border inspection – The DA Border Inspector, together with the BOC examiner at the port shall conduct routine inspection of the consignment. Depending on the result of the routine inspection which essentially involves sensory-based examination, the DA Border Inspector may perform rigid inspection of the consignment which covers chemical and microbial examination.  
Preliminary border inspection shall be conducted by the DA Border Inspector in the presence of the importer or his authorized representative. Thereafter the DA Border Inspector shall place a stamp as “USED” on the SPS Import Clearance, and stamped as “INSPECTED AND PASSED” on the BOC Import Entry Declaration to indicate whether the consignment is cleared for final release, on hold, for confiscation or transfer to an accredited establishment for final border inspection and clearance. Likewise, the DA Border Inspector shall tag electronically in the DA system the SPS Import Clearance as “USED” and input any findings during the preliminary inspection.
3. Final border inspection – A final border inspection shall be conducted and/or consignment integrity is initially checked at the port and a detailed examination, i.e. sampling and laboratory analysis is further required to ensure compliance with health and safety requirements.

4. The DA Border Inspector shall electronically tag in the DA system as CONFISCATED the SPS Import Clearance used for confiscated shipment during the preliminary and final border inspection.

E. In case inspection of some products/commodities or consignment may involve two or more bureaus or agencies, the concerned bureaus or agencies shall coordinate/consult with each other in clearing said products/commodities or consignment.

**SECTION VII.  
CONFISCATION AND DISPOSAL  
OF REFUSED ENTRY PRODUCTS/COMMODITIES**

A. If it appears from the examination of subject product/commodity that (1) the product/commodity has been manufactured, processed or packed under unsanitary conditions or (2) product/commodity is forbidden or restricted from sale in the country in which it was produced or from which it was exported or (3) the product/commodity is adulterated, contaminated, dangerous, noxious, misbranded, misdeclared, re-registered or in violation of the terms and conditions embodied in the SPS Import Clearance; this Order and sanitary and/or phytosanitary measures; 4) arriving without the required SPS Import Clearance and International SPS Certificate; 5) using a fake SPS Import Clearance then the DA Border Inspector shall so inform the BOC examiner and such product/commodity shall be seized, confiscated or refused admission, unless such product/commodity is exported under regulations prescribed by the Bureau of Customs within ninety (90) days of the date of notice of such refusal or within such time as may be permitted pursuant to such regulations. If the product/commodity arrives at a port of entry other than Metro Manila, the collection of such samples shall be the responsibility of the regional office having jurisdiction over the port of entry.

B. Any product or commodity, at the preliminary border inspection, found to be deficient, damaged, adulterated, injurious or in violation of this order, shall be confiscated after the DA Border Inspector informs the BOC district collector of his decision for the latter's appropriate action. The same procedure shall be followed should the product/commodity be in transit. In case of final border inspection, the DA Border Inspector shall be the one to take appropriate action after his findings and decision to confiscate the consignment. In all cases, the impounding and disposition shall be at the expense of the importer.

The Secretary or his duly authorized representative may formally investigate the case and conduct a summary hearing on the proper disposition of the product/commodity. If the disposition shall have been finally decided, the same shall be at the expense of the importer.

C. A Notice of Confiscation shall state the reason/s for the confiscation, a copy of said Notice is hereto attached as Annex "C". Three (3) copies of the same shall be issued as follows: one (1) copy shall be given to the BOC district collector; one (1) copy to the importer and one (1) copy shall be retained by the DA Border Inspector. Further, the notice shall indicate the date of condemnation and disposal of the products or commodities.

D. All products or commodities covered by this AO imported or brought into the Philippines unlawfully shall be disposed of in any of the following manners:

1. Confiscated and destroyed
2. Returned to the country of origin

### 3. Shipped to a third country

In no case shall a confiscated consignment be auctioned, redeemed, donated or sold by any government bureau or agency.

E. 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.

F. 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 VIII. Penalties** -- The existing laws and rules and regulations of the concerned bureau or agency prescribing the violations and corresponding penalties shall be applied and imposed.

**SECTION IX. Transitory Provision** -- All in-transit consignments of the covered products/commodities which are shipped out from the country of origin prior to the effectivity of this Order shall be subjected to the provisions of the concerned bureau or agency's rules and regulations.

**SECTION X. Non-exclusivity** -- All existing rules and regulations, policies, procedures and standards not inconsistent with this Order shall continue to be in full force and effect.

**SECTION XI. Repealing Clause** -- All existing administrative orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

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

**SECTION XIII. Effectivity** -- This Administrative Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and its filing with the National Administrative Register, U.P. Law Center.

Approved:

  
 ATTY. BERNIE G. FONDEVILLA  
 Secretary

## "Annex A"

### Sanitary and Phytosanitary (SPS) Import Clearance

1. BAI SPS Import Clearance
2. BFAR SPS Import Clearance
3. BPI SPS Import Clearance