

Republic of the Philippines
MALACAÑANG
Manila

Executive Order No. 376

MODIFYING THE RATES OF IMPORT DUTY ON CERTAIN IMPORTED ARTICLES UNDER SECTION 104 OF THE TARIFF AND CUSTOMS CODE OF 1978 AS AMENDED, IN ORDER TO IMPLEMENT SECTION 1 OF REPUBLIC ACT 9281, REINSTATING THE EFFECTIVITY OF TAX INCENTIVES UNDER SECTION 109 OF REPUBLIC ACT 8435 OTHERWISE KNOWN AS THE AGRICULTURE AND FISHERIES MODERNIZATION ACT OF 1997

WHEREAS the government needs to provide duty exemption to importations of eligible agriculture and fisheries enterprises to promote and foster their efficiency and global competitiveness;

WHEREAS, Section 1 of Republic Act No. 9281 enacted into law on March 30, 2004, amends Section 109 of Republic Act No. 8435 otherwise known as the "Agriculture and Fisheries Modernization Act of 1997" as follows "all enterprises engage in agricultural and fisheries duly certified by the Department of Agriculture, in consultation with the Department of Finance and Board of Investments, shall, up to the year 2015, be exempted from the payment of tariff duties for the importation of all types of agriculture and fishery inputs, equipment, and machinery such as but not limited to, fertilizer, insecticide, threshers, hybrid seeds, genetic materials, sprayers, packaging machinery and scales, harvesting scales, harvesting equipment, spare parts of all agricultural renewable energy systems such as solar panels, Provided, however, that the imported agriculture, and fishery inputs, equipment and machinery shall be for the exclusive use of the importing enterprise;

WHEREAS, Section 109 of Republic Act No. 8435 was implemented by Executive Order (EO) no 133 series of 1999 and its annexes, as amended by EO 127, series of 2002, the effectivity of which lapsed on 08 February 2003;

WHEREAS, paragraph (2) of Section 1 of Republic Act No. 9281 provides that " the Department, in consultation with the Department of Finance and the Board of Investment, shall, within ninety (90) days from the effectivity of this Act, formulate the Implementing Rules and Regulation governing the importation of agricultural and fishery inputs, equipment, and machinery."

WHEREAS, Section 104 and 401 of the Tariff and Customs and Code of 2978 (Presidential Decree No. 1464), as amended, empower the President of the Republic of the Philippines, upon the recommended, empower the President of the Republic of the Philippines, upon the recommendation of the National Economic and Development Authority, to increase, reduce, or remove existing protective rate of import duty, as well as the modify the form of duty.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Importation of Articles under Annex "B"*. The articles specifically listed in *Annex "B"* hereof, classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be tariff-exempt up to 31 December 2015, provided that the importation of said articles shall be accompanied by a certificate of eligibility or accreditation duly issued by the Department of Agriculture and its deputized agencies and shall be subject to the rules and regulations outlined in *Annex "A"* hereof.

SECTION 2. Fees. Agencies deputized to implement the provisions of this EO and its Annexes, shall be authorized to collect administrative fees at minimal and reasonable costs. The DA and DTI shall prescribe uniform and harmonized rates and shall issue the schedules of fees in a separate Department Administrative Order.

SECTION 3. Review. The Department of Agriculture, Department of Finance, Department of Trade and Industry, and DTI-Board of Investments, in consultation with concerned private sector and other government institutions shall conduct an annual review of the attached Annexes "A" and "B", and shall report the findings of said review and shall recommend possible amendments to the President.

SECTION 4. Repealing Clause. All Presidential issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby revoked or modified accordingly.

Section 5. Effectivity. This Executive Order shall take effect thirty (30) days following its complete publication in two (2) newspapers of general circulation in the Philippines.

Upon the effectivity of this Executive Order, the above mentioned articles, which are entered and withdrawn from warehouses in the Philippines shall be believed the rates of duty herein prescribed.

Done in the City of Manila, this 22nd day of October in the year of our Lord, Two Thousand and Four.

By the President:

GLORIA M. ARROYO

EDUARDO R. ERMITA
Executive Secretary