

SEC 1201. PORTS OPEN TO VESSEL AND AIRCRAFTS ENGAGED IN FOREIGN TRADE

- Vessels and aircrafts engaged in foreign trade shall visit designated ports of entry only except as otherwise especially allowed by law
- Provided, That no existing and valid government contract covering the handling of import and export cargo shall be diminished or impaired.

(May mga existing na mga contacts between third parties and private companies wherein sila yung responsible sa cargo handling operations)

CARGO HANDLING OPERATORS

- **ATI**
- **ICTSI**
- Every Vessel or Aircraft arriving within a Customs District of the Philippines from a foreign port shall dock at the designated port of entry and shall be subject to the authority of the District Collector of the port while within its jurisdiction.
 - *When they are at the port of entry. They are under jurisdiction of the customs collector or district collector)*

SEC 1202. CONTROL OF CUSTOMS OFFICER OVER BOARDING OR LEAVING OF INCOMING VESSEL AND OVER OTHER VESSEL APPROACHING THE FORMER

- Upon the arrival in port of any vessel engaged in foreign trade it shall be unlawful for any person, to board or

leave the vessel without permission of the customs officer concerned.

- Except the pilot, consul, quarantine officer, customs officer, or **other duly authorized persons.**

Other duly authorized person- Mga representative ng other government agencies like BAI (Bureau of Animal Industry), PDEA with the assistant of PNP or Philippine Coast guard.

Pilot- Nagdadrive ng barko but comes from the Philippine Port authority. Sila yung nag beberth hindi yung tao ng master of the vessel yung magbeberth or pilotage ay yung pilot na galling sa PPA. Kase yung mga pilot na trained ng PPA sila yung nakakaalam ng depth ng water sa kung saan mang pier para safe na makapag berth yung vessel.

- Immigration officers
- It shall likewise be unlawful for any tugboat, rowboat, or other craft to go alongside such vessel and for any person so authorized to board the vessel to take any unauthorized person to board the same, or allow loitering near or alongside such vessel.
- Unauthorized tugboats and other vessels shall keep away from such vessel engaged in foreign trade at a distance of not less than 50 meters.

CUSTOMS BOARDING OPERATIONS

Bureau of Quarantine- Unang nasampa ng barko. Tinitignan nila kung healthy yung mga seafarer or kung may dala silang live animals na may certificate na safe at walang contagious disease. Kapaag na clear

na ng BOQ ang mga tao, dutiable goods. Papasampahin na nila yung mga Customs, BAI, PNP, PDEA.

Section 1406: OBSTRUCTION TO BOARDING OFFICERS

Shall be liable to a fine of **not less than** One hundred thousand (P100,000) but **not more than** Three hundred thousand pesos (300,000.00)

First Offense- 100,000

Second Offense- 200,000

Third Offense- 300,000

SECTION 1203. DOCUMENTS TO BE PRODUCED BY THE MASTER UPON ENTRY OF VESSEL

– Upon entry of a vessel engaged in foreign trade, the master thereof shall present the following certified documents to the customs boarding officers:

(a) the vessel's general declaration;

(b) the original manifest of all cargoes destined for the port, to be returned with the endorsement of the boarding officers.

- *Ineendorse ng boarding officers kase iinspeksyunin nila yung barko, pag nagkaroon ng discrepancy sa original manifest vs sa inspection na ginawa nila, hindi agad yon indorse pabalik sa master of the vessel, kase baka may nawawalang container, kapag wala iniindorse pabalik sa kanila certifying they inspected the vessel based on manifest.)*

(c) three (3) copies of the original manifest, one of which, upon certification by the boarding officer as to the correctness of the copy, shall be returned to the master;

Types of Manifest:

- Passenger Manifest
- Cargo Manifest

(d) a copy of the cargo **stowage plan**;

- Stowage plan- Layout kung pano pinagpatong patong container. Master plan on how they stock yung mga container sa loob ng isang vessel.

- *The placement of the Dangerous goods container should be at the pack most because once it exploded kapag nasa pinakamataas sya kaunti lang madadamage nya. Ayon yung tinitignan ng Customs Boarding Officers.*

(e) two (2) copies of the store list;

-Mga provisions sa barko o mga pagkain ng mga seafarers. Dapat sapat lang sqa number of the crew of the vessel. Kapag may excess kase there's a presumption nab aka pang benta kase dutiable in nature)

(f) one (1) copy of the passengers list;

(g) one (1) copy of the crew list; (20-30 people)

(h) the original copy of all through cargo manifest, **for deposit** with the customs officer who has jurisdiction over the vessel while in port;

-All through Cargo Manifest

Pertains to transit cargo. Alin sa mga containers ang for transit only. Ibig sabihin hindi sya destined sa isang port. Idadaan lang or iunload. Hindi sya subject for duties & taxes kapag dinaan lang sya sa isang port.

For Deposit

Kapag na identify na mga container for transit only hindi sya iunload hanggang makaalis na or to depart at port of entry to proceed sa final destination.

(i) the passengers manifest containing the names of all aliens, in conformity with the requirements of the immigration laws in force in the Philippines;

(j) one (1) copy of the original duplicate of fully accomplished **bill of lading**;

Triple Meaning

1. Title of Ownership

2. Receipt of Good

3. Contract of Carriage

(k) the shipping goods and register of the vessel of Philippine registry; and,

(l) such other related documents

SEC 1204. MANIFEST REQUIRED OF VESSEL FROM FOREIGN PORT

- Every vessel from a foreign port must have on board a complete manifest of all its cargoes.

- *Manifests contain ships general declaration. It contains an information of the goods, container, crew, passengers that is carried by a certain vessel, so therefore manifest is to submitted in the customs boarding officers to check if there's violation in the CMTA.*

- Cargo pertains to what is on board which shall be discharged in the Philippines.
- All cargoes intended to be landed at a port in the Philippines must be described in separate manifests for each **port of call**.

- Port of call- *Port of origin and port of destination, so therefore separate manifests are requiring by our government 1 for the port of origin and 1 for the port of destination.*

- Each manifest shall include the port of departure and the port of delivery with the **marks**, numbers, quantity, and description of the packages and the names of the consignees.

-Marks- *Cargo handling signs, UN number, mga Dangerous goods na sign na nakalagay sa container. Importante din yung country of Origin dahil may mga embargoed countries like Iraq and North Korea. Especially in Dangerous goods is mark, is important to know how to handle the cargo.*

-Regardless, sinasadya o hindi sinasadya there's a a penalty that we called as marking duty. Numbers, quantity and description of the packages and the name of consignees (importer)

- Every vessel from a foreign port must have on board complete manifests of **passengers** and **baggage** in the prescribed form, setting forth the destination and all particulars required by immigration laws.
 - *mga mules, balikbayan boxes*
- Every vessel shall present to the proper customs officers upon arrival in ports of the Philippines a complete list of all sea stores then on board.
- If the vessel does not carry cargo or passengers, the manifest must show that no cargo or passenger is carried from the port of departure to the port of destination in the Philippines.
 - *Even if the vessel does not carry a cargo or a passenger, they must show on the manifest that there's no cargo or passenger carried in the port of departure to the port of destination.*

ADVANCE SUBMISSION OF MANIFEST REQUIRED

A true and complete copy of the cargo manifest shall be electronically sent in advance by the shipping company, **NVOCC**, freight forwarder, cargo consolidator, or their agents within the cut-off period as may be determined by the Bureau before the arrival of the carrying at the port of entry. - Current regulation: 24 hours in case of e-IFM and 12 hours in case of eCCM - If the transit time from port of origin to port of entry is at least 72 hours, the shipping or forwarding agent of the carrier or of the vessel who fails to submit the manifest at least 24 hours before entry shall be liable for a fine of not less than 100,000 pesos but not more than 300,000.

- **NVOCC**- *Non-Vessel Operating Common Carrier*

- *They do not own vessel or Aircraft; they are engaging in the service of freight forwarding. Sila yung nag aarrange ng shipments.*
- *Forwarder- Nag aadvice ng appropriate packaging, which will conform the requirements of the country of origin as well as the country of destination.*
- **Cargo Consolidator**- *Maliliit na shipments na pinagsama sama like balikbayan-boxes. Para makatipid sa freight at mamaximize yung space ng container van hahanap sya ng ibang kasabay nya na inaarrange ni Cargo Consolidator.*
- *This cargo consolidator and forwarding they publish their sailing time, para malaman kung kailan magpapadala and iaarrange yon ni forwarder pipickup yung mga boxes nila at icoconsolidate sa isang container.*
- *Submission of manifest is essential, 24 hours prior to their arrival. Upon arrival of the carrying vessel the shipping company, NVOCC, freight forwarding, cargo consolidator, or their agents shall provide 2 hard copies of the cargo manifests to the BOC in case the port of entry either the PoM or MICP.*

AMENDMENT OF MANIFEST

- A cargo manifest shall in no case be changed or altered after entry of vessel, except by means of an amendment, under oath, by the master, consignee, or agent thereof, which shall be attached to the original manifest:
 - *In general, no alteration or modification of a cargo manifest shall be changed **EXCEPT** by means of an amendment. When we say amendment means alteration and modification of the*

- contest of cargo manifest by doing an amendment under oath of the Master, consignee, or agent thereof which shall be attached in the ORIGINAL MANIFEST.)*
- Provided, that after the invoice and/or goods declaration covering an importation have been received and recorded in the office of the appraiser, no amendment if the manifest shall be allowed, except when it is obvious that clerical error or any other discrepancy has been committed in the preparation of the manifest, without any fraudulent intent, the discovery of which would not have been made until after examination of the importation has been completed.
 - *Prior to the arrival ng vessel, nagsusubmit yung mga shipping lines ng advance manifest kapag umakyat ang mga taga customs pinoprove nila yung manifest, however nagkaron ng error sa mismong content ng manifest pwedeng I amend yung manifest ni master of the vessel, consignee, or si agent ng vessel however if yung papel dumating na sa office ng appraiser that is the time na hindi na pwedeng mag amend or mag modify ng manifest, except ehen it is obvious that a clerical error or discrepancy has been committed in the preparation of the manifest without a fraudulent intent.)*
Clerical error- *error on the part of an office worker. It is a phase which can also be used as an excuse to deflect blame away from specific individuals, such as high-powered executives, and instead redirect it to the more anonymous clerical staff.*
 - No longer requires clearance from the Office of the Commissioner after the same shall have been approved by the concerned Collection District (CMO 3-2014)
 - All Collection District shall maintain official log of all request for amendments and should make available supporting documents to BOC enforcement offices as well as other government agencies involved in anti-smuggling upon official request.
 - ***In goods declaration if there's an error or inadvertent error in lodging a goods declaration there are liability fine of 5,000 of every typographical error.***
 - ***There's a clerical errors that can be defended or justified HOWEVER, based on the CAO 1-2020,theres a liability fine of clerical or inadvertent error.***

SEC 1205. TRANSLATION OF MANIFEST

- The cargo manifest and each copy thereof shall be accompanied by a translation in English, if originally written in another language

SEC 1206. MANIFESTS FOR THE COMMISSION ON AUDIT AND DISTRICT OFFICER

- Upon arrival of a vessel from a foreign port, the Bureau shall provide electronic copies of the manifest to the Chairperson of the COA. The master shall immediately present to the District Officer the original copy of the cargo manifest properly endorsed by the boarding officer, and for inspection, the ship's register, or other documents in lieu thereof, together with the clearance and other papers granted to the vessel at the port of departure for the Philippines.

- *The COA or watchdog of the Philippines have duty to ensure the appropriate duties and taxes have been levied, collected in all kinds of importation, therefore Commission on Audit or COA should possess copy of Manifest provided by the . Bureau of Customs. Then the master shall immediately present to the district collector the original copy of cargo manifest properly indorses by the boarding officer.*
- *If the Manifest was indorse it means it thoroughly checked and already inspected the commodity.*

SEC 1207. PRODUCTION OF PHILIPPINE CREW

- The master of a Philippine vessel returning from abroad shall produce the entire crew listed in the vessel's shipping crew manifest. If any member is missing, the master shall produce proof satisfactory to the District Officer that the member has died, or absconded, has been forcibly impressed into another service, or has been discharged. In case of discharge in a foreign country, the master shall produce a certificate from the consul, vice consul, or consular agent of the Philippines there residing, showing that such discharge was affected with the consent of the aforesaid representative of the Philippines.
- *One of the documents that the master of the vessel needs to produce is the **crew list** or the human power of the vessel.*

SEC 1208 RECORD OF ARRIVAL AND ENTRY OF VESSELS AND AIRCRAFT

A record shall be made and kept open to public inspection in every Customs District of

the date of arrival and entry of all vessels and aircraft.

- MICP track and trace, nalalaman yung record nung arrival ng vessel and departure. Especially if it was perishable goods.

SEC 1209. ARREST OF VESSEL OR AIRCRAFT DEPARTING BEFORE ENTRY MADE

When a vessel or aircraft arriving within the limits of Customs District from a foreign port departs or attempts to depart before entry shall have been made, nor being thereunto compelled by stress of the weather, duress of enemies, or other necessity, the District Collector of the port may cause the arrest and bring back such vessel or aircraft to the most convenient port with the assistance of other concerned agencies.

- Yung isang foreign vessel or aircraft entered the Philippine jurisdiction. Pag nag arrive sa ibang port of entry or nearest port yung vessel because of the stress of the weather, acceptable yung reason However there are cases the reason is not acceptable, the district collector of the port may arrest and bring back such vessel or aircraft to the most convenient port with the assistance of other concerned agencies. (Philippine coast guard, Philippine National Police, BOC, and Philippine port authority)

SEC 1210. DISCHARGE OF BALLAST

When not brought to port as goods, ballast of no commercial value may be discharged upon permit granted by the District Officer for the purpose.

1. Unloading Cargo – Loading ballast water
2. Voyage – no cargo, ballast tanks full
3. Loading cargo – discharge ballast water

Sec 1211. Time of Unloading Cargo

- ❖ Generally, unloading of cargoes should be within official working hours.

(Unloading of cargo should be within the official working hours from 8 am to 5 pm)

- ❖ Unloading of cargoes during official nonworking hours shall be allowed subject to payment of the following:

- ✓ Service fees by airlines, shipping lines or other interested parties.
- ✓ Possible overtime payments

(Kapag may natanggap ng notice to berth saka pa lang magbeberth at kapag nakapag berth na saka iunload yung mga cargo during unloading saka magkakaroon ng mga officers of different parties na nagmomonitor ng mga shipment like customs inspector from BOC, officer from cargo handling operator and representative to PPA to monitor the unloading of cargo. Also, winchman who operates the arrastre or yung crane. Hindi enough yung working hours para mag unload ng cargo kaya nag eextend sila)

- ❖ These rates are prescribed by the commissioner of Customs.

(service fee, shipping lines or other interested parties as well as the possible overtime payments that will be prescribed by time to time of the commissioner of customs)

-This section pertains to a foreign cargo. Monitoring of this cargo are important because they are foreign origin that

means the goods are dutiable that's why BOC come into place.

Sec 1212. Entrance of Vessel through Necessity

- Foreign vessels should enter a designated port of entry only (Sec. 1201);
- Manifest reflects the port of entry;

(Necessity means pangangailangan, pag sinabing designated port of entry it was being declared at manifest however there are some cases that the vessel is not directly enter on a port of entry that not reflected in the manifest because of this necessities because of stress of weather. To seek harbor, they will dock on other port.)

- ❖ Entry of foreign vessels in ports, other than the designated one is allowed under the ff circumstances:

(Putting the vessel to another port other than the port of entry)

- ✓ Stress of weather
- ✓ Other necessity (duress of enemies, system, lockdown, riots, etc)

What happens to the cargoes?

- BOC will allow them to enter a port, other than the designated port, provided that the master must submit a protest (w/in 24 hours after its arrival) indicating the reasons.
- The master should also report if any cargo is missing or if unloaded necessarily and must produce that such unloading is really necessary.

Jettison

- ✓ throwing away of cargoes to save lives and properties.

(jettison is accepted if there's reasonable reason and necessities)

General Average- *Pag aambag ambag ng mga owner ng cargo to compensate the lost properties, pati yung nawalan mag aambag din.*

Sec 1213. Unloading of Vessel in Port from Necessity

- ❖ When necessary , and upon submission of Proof of necessity, The District Collector may allow the unloading of goods and be stored under the supervision customs officer,

(upon the arrival of the vessel, master of the vessel must submit a report or proof of necessity 24 hrs after its arrival and after its submission the decision rest upon to the District Collector)

- ❖ Can these goods be entered in a customs house of the port of entry, other than designated Port of Entry?

-Yes, at the request of the master of the vessel or owner.

-This shall be under prejudice of the district collector if he or she will allow the entry of these goods under necessity

(The master of the vessel should justify the necessity, and the district collector is will be the one approved the unloading of cargo or its entry)

- ❖ Upon departure, part of those cargoes may be reloaded to the vessel and proceed to its port of destination.
- ❖ Under necessities, the shipping line will be subject to storing and safekeeping as well as the entrance and clearance charges.
- ❖ No port charges (e.g., dockage, berthing fee, etc.) shall be collected on these vessels if the reason for entry is stress of weather, duress of enemies or other urgent necessities.

Sec 1214. Entry and Clearance of Vessels of a Foreign Government

- ❖ The entry and clearance of transport or supply ship of a foreign government shall be in accordance with the agreement by and between the Philippines and the foreign government.

-Here we speak of reciprocity rule. It means that if a foreign state does not allow a Philippine registered vessel to enter their jurisdiction, the same shall apply to their vessel.

Sec 1215. Clearance of Vessel for foreign Port

Prior departure, the master of the vessel must present to the district collector, the ff documents

- ✓ Bill of health.
(From the quarantine officers)
- ✓ Three (3) copies of export cargo manifest.
(for export, because they will depart)
- ✓ Two (2) copies of passenger list.
- ✓ Register and shipping goods, if the vessel if or Philippine Registry.
- ✓ Clearance from the last port of entry
- ✓ Phil post certificate certifying that it receives a timely notice of sailing.
- ✓ That the District Collector shall not permit any vessel to sail for a foreign port if the master or agent thereof refuses to receive bags of mail delivered to the same by the Philippine Postal Corporation for transport upon reasonable compensation.

(snail mail or not electronically sent)

- In case the Postmaster General and the master or agent do not come to an agreement concerning the amount of the compensation to be paid for the carriage of the mail, the matter shall be submitted for decision to a Board of Referees to be composed of three (3) members appointed, respectively, by the Philippine Postal Corporation, the agency of the

company to which the vessel concerned belongs, and the Bureau, who shall fix a reasonable rate of compensation.

(In case that philpost and shipping lines do not come to an agreement kung magkano yung magiging rate sa pag deliver ng mga postal mail)

Sec 1216. Detention of Warlike Vessel Containing Arms and Munitions

- District Collectors shall report to the proper authorities or detain any vessel of commercial registry manifestly built for warlike purposes and about to depart from the Philippines with a cargo consisting principally of arms and munitions of war.
 - District Collector shall report even not doing anything to the proper authorities or may detain any vessel manifestly build for warlike purposes.
 - The district collector shall report or detain yung mga warlike vessel containing Arms and Munitions. If the warlike vessels intended to commit hostilities, hindi sila papayagan makaalis until the decision of the president has rendered their own or magbigay ng security double the bonding of the vessel or cargo, hindi sila papayagan maka depart and they will be detained in the port of entry.
 - when the *number of men shipped on board* or other circumstances render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign principality or state, or of

any colony, district, or people with whom the Philippines is at peace, until the decision of the President of the Philippines is rendered thereon, or until the owner or owners shall give a security, in double the value of the vessel and cargo, that it will not be so employed, if in the discretion of the District Collector such security will prevent the violation of the provisions of this section.

Sec 1217. Oath of Master of Departing Vessel

The master of a departing vessel shall state under oath that:

- All cargoes conveyed on the vessel, destined for the Philippines, have been duly discharged or accounted for
(It is important that they should report this under oath that all the vessel that had been carried. The primary function of the BOC is to assess and collect. Kung may missing hindi marerender ng BOC yung kanilang mandate of collecting and assessing kung hindi nila madidiscovers kung talagang na discharge na talaga lahat ng container ban that is carried by the foreign vessel.)
- A true copy of the outgoing cargo manifest has been furnished to the Bureau.
(To maintain important relationship between Philippines and other foreign government upon submission of export cargo manifest or competent authorities like the BOC should see to it that this vessel should to depart from the Philippines does not carry dangerous goods or other smuggled contrabands which will affect the foreign

country yung isang foreign country wherein dun pupunta yung outgoing vessel. There are also export duties on certain cargoes.)

- ❖ No letters or packets, not enclosed in properly stamped envelope sufficient to cover postage, have been received or will be conveyed, except those relating to the vessel; and that all mails placed on board the vessel before its last clearance from the Philippines have been delivered at the proper foreign port.

- *Philippine Postal Corporations (All mails know the timely sailing of the vessel they may also send mails or parcels sa mga outgoing vessel, under oath the master should see to it that they are properly stamp to cover postage or freight. Ang isang parcel yung binabayad sa philpost depend on the stamp except those relating to the vessel)*

- If clearing without passenger, the vessel will not carry upon the instant voyage, from the Philippine port; any passenger of any class, or other person not entered upon the ship's declaration.

- *(Kung walang linagay na pangalan sa declaration nila bawal na silang magsakay instantly)*

Sec 1211. Time of Unloading Cargo

- ❖ Generally, unloading of cargoes should be within official working hours.

(Unloading of cargo should be within the official working hours from 8 am to 5 pm)

- ❖ Unloading of cargoes during official nonworking hours shall be allowed subject to payment of the following:

- ✓ Service fees by airlines, shipping lines or other interested parties.
- ✓ Possible overtime payments

(Kapag may natanggap ng notice to berth saka pa lang magbeberth at kapag nakapag berth na saka iunload yung mga cargo during unloading saka magkakaroon ng mga officers of different parties na nagmomonitor ng mga shipment like customs inspector from BOC, officer from cargo handling operator and representative to PPA to monitor the unloading of cargo. Also, winchman who operates the arrastre or yung crane. Hindi enough yung working hours para mag unload ng cargo kaya nag eextend sila)

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What happens to the cargoes?

- BOC will allow them to enter a port, other than the designated port, provided that the master must submit a protest (w/in 24 hours after its arrival) indicating the reasons.
- The master should also report if any cargo is missing or if unloaded necessarily and must produce that such unloading is really necessary.

Jettison

- ✓ throwing away of cargoes to save lives and properties.

(jettison is accepted if there's reasonable reason and necessities)

General Average- *Pag aambag ambag ng mga owner ng cargo to compensate the lost properties, pati yung nawalan mag aambag din.*

Sec 1213. Unloading of Vessel in Port from Necessity

- ❖ When necessary, and upon submission of Proof of necessity, The District Collector may allow the unloading of goods and be stored under the supervision customs officer,

(upon the arrival of the vessel, master of the vessel must submit a report or proof of necessity 24 hrs after its arrival and after its submission the decision rest upon to the District Collector)

- ❖ Can these goods be entered in a customs house of the port of entry, other than designated Port of Entry?

-Yes, at the request of the master of the vessel or owner.

-This shall be under prejudice of the district collector if he or she will allow the entry of these goods under necessity

(The master of the vessel should justify the necessity, and the district collector is will be the one approved the unloading of cargo or its entry)

- ❖ Upon departure, part of those cargoes may be reloaded to the vessel and proceed to its port of destination.
- ❖ Under necessities, the shipping line will be subject to storing and safekeeping as well as the entrance and clearance charges.
- ❖ No port charges (e.g., dockage, berthing fee, etc.) shall be collected on these vessels if the reason for entry is stress of weather, duress of enemies or other urgent necessities.

Sec 1214. Entry and Clearance of Vessels of a Foreign Government

- ❖ The entry and clearance of transport or supply ship of a foreign government shall be in accordance with the agreement by and between the Philippines and the foreign government.

-Here we speak of reciprocity rule. It means that if a foreign state does not allow a Philippine registered vessel to enter their jurisdiction, the same shall apply to their vessel.

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Prior departure, the master of the vessel must present to the district collector, the ff documents

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(From the quarantine officers)

- ✓ Three (3) copies of export cargo manifest.
- (for export, because they will depart)*
- ✓ Two (2) copies of passenger list.
- ✓ Register and shipping goods, if the vessel is or Philippine Registry.
- ✓ Clearance from the last port of entry
- ✓ Phil post certificate certifying that it receives a timely notice of sailing.
- ✓ That the District Collector shall not permit any vessel to sail for a foreign port if the master or agent thereof refuses to receive bags of mail delivered to the same by the Philippine Postal Corporation for transport upon reasonable compensation.

(snail mail or not electronically sent)

- In case the Postmaster General and the master or agent do not come to an agreement concerning the amount of the compensation to be paid for the carriage of the mail, the matter shall be submitted for decision to a Board of Referees to be composed of three (3) members appointed, respectively, by the Philippine Postal Corporation, the agency of the company to which the vessel concerned belongs, and the Bureau, who shall fix a reasonable rate of compensation.

(In case that philpost and shipping lines do not come to an agreement kung magkano yung magiging rate sa pag deliver ng mga postal mail)

Sec 1216. Detention of Warlike Vessel Containing Arms and Munitions

- District Collectors shall report to the proper authorities or detain any vessel of commercial registry manifestly built for warlike purposes and about to depart from the Philippines with a cargo consisting principally of arms and munitions of war.

- District Collector shall report even not doing anything to the proper authorities or may detain any vessel manifestly built for warlike purposes.
- The district collector shall report or detain yung mga warlike vessel containing Arms and Munitions. If the warlike vessels intended to commit hostilities, hindi sila papayagan makaalis until the decision of the president has rendered their own or magbigay ng security double the bonding of the vessel or cargo, hindi sila papayagan maka depart and they will be detained in the port of entry.
- when the *number of men shipped on board* or other circumstances render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign principality or state, or of any colony, district, or people with whom the Philippines is at peace, until the decision of the President of the Philippines is rendered thereon, or until the owner or owners shall give a security, in double the value of the vessel and cargo, that it will not be so employed, if in the discretion of the District Collector such security will prevent the violation of the provisions of this section.

Sec 1217. Oath of Master of Departing Vessel

The master of a departing vessel shall state under oath that:

- All cargoes conveyed on the vessel, destined for the Philippines, have been duly discharged or accounted for

(It is important that they should report this under oath that all the vessel that had been carried. The primary function of the BOC is to assess and collect. Kung may missing hindi marerender ng BOC yung kanilang mandate of collecting and assessing kung hindi nila madidiscovers kung talagang na discharge na talaga lahat ng container ban that is carried by the foreign vessel.)

- A true copy of the outgoing cargo manifest has been furnished to the Bureau.

(To maintain important relationship between Philippines and other foreign government upon submission of export cargo manifest or competent authorities like the BOC should see to it that this vessel should to depart from the Philippines does not carry dangerous goods or other smuggled contrabands which will affect the foreign country yung isang foreign country wherein dun pupunta yung outgoing vessel. There are also export duties on certain cargoes.)

- ❖ No letters or packets, not enclosed in properly stamped envelope sufficient to cover postage, have been received or will be conveyed, except those relating to the vessel; and that all mails placed on board the vessel before its last clearance from the Philippines have been delivered at the proper foreign port.
 - *Philippine Postal Corporations (All mails know the timely sailing of the vessel they may also send mails or parcels sa mga outgoing vessel, under oath*

the master should see to it that they are properly stamp to cover postage or freight. Ang isang parcel yung binabayad sa philpost depend on the stamp except those relating to the vessel)

- If clearing without passenger, the vessel will not carry upon the instant voyage, from the Philippine port; any passenger of any class, or other person not entered upon the ship's declaration.
 - *(Kung walang linagay na pangalan sa declaration nila bawal na silang magsakay instantly)*

Sec 1218. Extension of time for Clearance

- ❖ At the time of clearance, the master of a departing vessel shall be required to indicate the time of intended departure, and if the vessel should remain in port forty-eight (48) hours after the time indicated, the master shall report to the District Collector for an extension of time of departure, and without such extension the original clearance shall be nullified.

(If there are necessities for this departing vessel to extend yung time nila, it will be allowed by the district collector. Provided that it will be requested by the master of the vessel.)

Sec. 1219. Advance Notice of Aircraft Arrival

A. Non-scheduled arrivals

(Hindi alam ng international airport na mag aarrive yung aircraft)

- ☐ timely notice of the intended flight shall be furnished to the District Collector or customs officer in charge prior to arrival.
- ☐ If dependable facilities for giving notice are not available before departure, the use of any radio equipment shall be appropriate as long as it will result in the

giving of adequate and timely notice of the aircraft's approach.

(Importante na yung communication sa aircraft would not be hinder of any mobile devices kase naka rely yung pilot sa communication tower)

- ❑ upon landing in any area, the government officers have not arrived, the pilot-in-command shall hold the aircraft and any baggage and goods thereon intact and keep the passengers and crew members in a segregated place *until the inspecting officers arrive.*

(Kapag hindi pa dumadating government officers including customs officer therefore ang mga passenger and crew members especially cargoes should not be unloaded and as a function of customs to prevent and suppress smuggling)

B. Scheduled arrivals

- ❑ Such advance notice will not be required in the case of an airline arriving in accordance with the regular schedule filed with the District Collector for the Customs District in which the place of first landing area is situated, and also with the quarantine and immigration officers-in-charge of such place.
 - *Before they could have those flight numbers kailangan cleared muna sa CAAP (Civil Aviation Authority of the Philippines) or CAB (Civil Aviation Board) so that magkaroon ng departure or arrival. Therefore, in this case advance notice shall not be required.*

Sec. 1220. Landing at International Airport of Entry

aircrafts arriving in the Philippines from any foreign port or place **shall make the first landing at an international airport of entry, Except, in case of emergency or forced landings, unless permission to land elsewhere** other than at an international airport of entry is first **obtained from the Commissioner.**

International Airport in the Philippines

- NAIA
- Mactan International Airport
- Puerto princesa International Airport

(Allowed sila basta ang condition is kung mag tatranship ka from one airport to another, dapat magland ka muna sa isang International airport of entry)

Landing elsewhere than in the international airport of entry.

- ❑ **the owner, operator, or person in charge of the aircraft shall pay the expenses incurred in inspecting the aircraft, goods, passengers, and baggage carried thereon, and such aircraft shall be subject to the authority of the District Collector at the airport while within its jurisdiction.**

(yung owner or operator ng aircraft will pay on such activity which includes inspecting the aircraft, goods, passenger and baggages. They will be subject to the authority of district collector)

Emergency landing:

- ❑ Should an emergency or forced landing be made by an aircraft coming into the Philippines at a place outside the jurisdiction of the latter, **the pilot-in-command shall not allow goods, baggage, passenger, or crew member to be removed or to depart from the landing place without permission of a customs officer, unless such removal or**

departure is necessary for purposes of safety, communication with customs officers, or preservation of life, health, or property.

- ❑ As soon as practicable, **the pilot-in-command, or a member of the crew-in-charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest international airport or other customs port of entry in the area and make a full report of the circumstances of the flight and of the emergency or forced landing.**

(Kapag nagkaroon ng emergency landing and pinaka consideration ni customs is health and safety ng mga passenger pero ang pinaka aim is yung bagahe.)

Sec. 1221. Report of Arrival and Entry of Aircraft

- ❑ The pilot-in-command of any aircraft arriving from a foreign port or place shall immediately report its arrival to the District Collector at the airport of entry or to the customs officer detailed to meet the aircraft at the place of first landing,

(upon arrival, Aircraft shall be boarded by quarantine officer. Magkakaroon pa din ng customs formality or customs boarding operations wherein ang mauuna umakyat ay quarantine officer and after that the pratique or health clearance shall be granted. Ma gagrant lang yung health clearance kapag walang contagious disease na na grant ang quarantine officer. Kapag ma found out na may contagious disease yung isa sa mga passenger sa aircraft, iquarantine sila or mahohold yung mga passenger in a certain period of time or I check one by one.)

- ❑ Upon arrival, such aircraft shall be boarded by a quarantine officer, and after *pratique* or health clearance is granted, shall be boarded by a customs officer; subsequently no person shall be permitted to board or leave the aircraft without the permission of the customs officer.

(Hindi na iniisuehan ulit ng pratique kapag nag tranship ka on one another airport but there is exemption to the rule wherein pag inakyat sila ng quarantine officers at nagkaroon ng disease and isang crew, in those instances kailangan pa din ng pratique para maka proceed si vessel or makapag unload)

- ❑ The pilot-in-command or any other authorized agent of the owner or operator of the aircraft shall make the necessary entry. No such aircraft shall, without previous permission from the District Collector, depart from the place of first landing or discharge goods, passengers, or baggage.

Section 1222. Documents Required in Making Entry For Aircraft

- (a) For the purpose of making entry, **there shall be presented to the boarding customs officer four (4) copies of a general declaration** which shall contain the following data, unless any of such data is otherwise presented on a separate official form.

- Name of owner or operator of aircraft, registration marks and nationality of aircraft, and flight number of identification;

(All airlines operating here in Philippines cannot operate without the franchise from the congress. Than ema of the owner here is the one nan aka reflect sa license to operate granted by the congress)

- Points of clearance and entry, and date of arrival.
(Point of clearance or pinaggalingan, yung entry dito sa Philippines)
- Health and customs clearance at the last airport of departure.
- Itinerary of aircraft, including information as to airport of origin and departure dates.
(when we say itinerary it is the route including info abt origin, departure, crew members. Basically less than 10 yung crew ng airplane)
- Names and nationality of crew members
- Passengers manifest showing places of embarkation and destination
(embarkation, pagsampa sa eroplano and disembarkation pagbaba)
- Cargo manifest showing information as **to airway bill number**, the number of packages related to each airway bill number, nature of goods, destination, and gross weight, together with a copy of each airway bill securely attached thereto.
- Store list
(Pertaining to salun store and sea store. Sea store are provisions for consumption of crew and salun store ayon yung pangbenta nila. Required yung submission ng store list or the provisions of the crew should be enough in the crew, kapag sobra yon may assumption na binenta na magiging dutiable. Bago sila mag depart, Hinihingi ulit ng BOC yung store list para malaman kung may na consume, nawawala.)

- Such other documents as may be required by the Bureau.

(b) The general declaration shall be written in English and duly signed by the pilot-in-command or operator of the aircraft, or the authorized agent. The section on health, and customs clearances, however, shall be signed only by the pilot-in-command or when necessary, by a crew member when the general declaration itself has been signed by a non-crew member. If the aircraft does not carry cargoes or passengers, such facts must be shown in the manifest.

(c) **A cargo manifest shall in no case be changed or altered after entry of the aircraft**, except by means of an amendment by the pilot-in-command or authorized agent thereof, under oath, and attached to the original manifest: *Provided*, That after the invoice and/or goods declaration covering an importation have been received and recorded in the office of the appraiser, no amendment shall be allowed except when it is obvious that a clerical error or any other discrepancy has been committed without any fraudulent intent in the preparation of the manifest, the discovery of which could not have been made until after complete examination of the importation.

(In general, hindi pwede mag alter ng cargo. Except by means of amendment ng pilot in command or agent ng aircraft. However, hindi na rin pwede I modify or amend kapag yung invoice that is covered by manifest has been recorded in the office of appraiser EXCEPT kung ang modification mo is because of clerical error)

Sec. 1223. Manifests for the Commission on Audit (COA) and District Collector

- Upon arrival of an aircraft from a foreign port, **the Bureau shall provide electronic copies of the manifest to the**

Chairperson of the COA. The *master shall immediately present to the District Collector the original copy of the cargo manifest properly endorsed by the boarding officer*, and for inspection, the aircraft's register or other documents in lieu thereof, together with the clearance and other papers granted to the aircraft at the port of departure for the Philippines.

(Pagdating ng aircraft magkakaroon ng customs boarding operation and magsusubmit ng pilot in command ng mga documents sa boarding team, yung mga copy ng cargo manifest is pipirmahan ng customs boarding team or customs boarding officer na lalabas na endorse na yung manifest na yon, and then yung endorse na cargo manifest ay isusubmit kay district collector. Ang concern lang ni COA is yung cargo manifest)

Sec. 1224. Clearance of Aircraft for Foreign Port

- (a) Any aircraft bound to a foreign port shall, before departure, be granted clearance by the Commissioner at an airport of entry where such aircraft has been authorized to make its landing
- (b) **Before clearance shall be granted** to an aircraft bound to a foreign port, **there shall be presented to the District Collector or to the customs officer detailed at the place of departure four (4) copies of a general declaration** signed by the pilot-in-command or authorized agent of an aircraft which shall contain the following data:
 - Name of owner or operator of aircraft, registration marks and nationality of aircraft, and flight number of identification;

- Port of clearance, data thereof and destination;
- Health and customs clearance;
- Itinerary of aircraft, including information as to airport of destination and departure date;
(This is necessary kase pag alis nila dito sa pilipinas and mag transit. Dapat alam kung san sila nag transit kape kapag may nawawalang kargamento at mag coconduct ng investigation pwede nila maging lead kung saan nila nababa)
- Names and nationality of crew members;
- Passengers manifest showing places of destination;
- Export cargo manifest showing information as to airway bill number, the number of packages related to each airway bill number, nature of goods, destination, and gross weight, together with a copy of each airway bill securely attached thereto;
- Store list showing stores loaded.
(kapag nag load ng panibagong provisions hinihingi ulit yung store list para malaman jung ilan nadagdag)

Sec. 1225. Oath of Person-in-Charge of Departing Aircraft

- The pilot-in-command or authorized agent of such departing aircraft shall also state under oath to the effect that.
 1. All cargoes conveyed on the aircraft destined to the Philippines have been duly discharged and accounted for; and
(Under oath dapat yung pilot in command or authorized agent of aircraft should oath that the cargoes conveyed on that aircraft has been duly discharged or accounted for.)
 2. The aircraft has not received nor will convey any letter or packet not enclosed in properly stamped envelope sufficient to cover postage, except those relating to the cargo of the aircraft, and that there was delivery to the proper foreign port of all mails placed on board said aircraft before clearance from the Philippines.
(Hindi pwede tumanggap ng mga mails or parcels na walang stamp to cover sufficient amount ng postage. When we say postage it refers to the freight.)

Customs Boarding Operations

- Before quarantine officer allow customs officer, mga people from PDEA, PNP to board yung foreign vessel. Kailangan mag issue muna yung quarantine officer ng pratique. The document would warrant free from any contagious disease.