



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

15 March 2021

## CUSTOMS MEMORANDUM ORDER (CMO)

NO. 11-2021

**SUBJECT: IMPOSITION OF DEFINITIVE GENERAL SAFEGUARD DUTY ON IMPORTED CEMENT FROM COVERED COUNTRIES PURSUANT TO DAO 21-02**

Pursuant to Department of Trade and Industry (DTI) Administrative Order 21-02 dated 03 March 2021 and in view of the directive dated 12 March 2021 from the Secretary of Finance, the list<sup>1</sup> of countries excluded from the imposition of the definitive safeguard duty on imported cement classified under ASEAN Harmonized Tariff Nomenclature (AHTN) 2523.29.90 and 2523.90.00 is hereby amended.<sup>2</sup>

Importers of cement originating from the countries excluded from the imposition of the definitive safeguard duty shall submit a Certificate of Country of Origin (CO) issued by the authorized agency/office in the country of manufacture subject to affixation of "Apostille" to the document or authenticated by the Philippine Embassy/Consulate general, as applicable.

Furthermore, all other provisions of DAO 19-13 shall remain in force and effect, except as expressly modified under DAO 20-08 (as implemented under CMO No. 29-2020) and DAO 21-02.

Pursuant to the Directive of the Secretary of Finance, DAO 21-02 shall take effect upon the issuance of this CMO.

All District and Sub-Port Collectors, and all others concerned are hereby directed to ensure that only those imported cement from countries/economies listed in the Amended Annex A are exempt from the definitive general safeguard duties.

This Order shall take effect immediately.

**REY LEONARDO B. GUERRERO**

Commissioner

MAR 15 2021

Bureau of Customs  
CENTRAL RECORDS MGT. DIVISION

CERTIFIED TRUE COPY  
OF THE ORIGINAL

MARGARET G. MANALAYSAY  
Administrative Officer V



BOC-02-04786

<sup>1</sup> Annex "A" of DAO No. 19-13 as circularized under CMC No. 239-2019.

<sup>2</sup> See DAO 21-02 for the Amended List, as attached.



Republic of the Philippines  
**DEPARTMENT OF FINANCE**  
Roxas Boulevard Corner Pablo Ocampo, Sr. Street  
Manila 1004

**HON. REY LEONARDO B. GUERRERO**

Commissioner  
Bureau of Customs  
Port Area  
Manila

**SUBJECT : Issuance of Relevant Customs Memorandum Order for the Imposition of the Definitive General Safeguard Duty on Imported Cement from Covered Countries pursuant to Department of Trade and Industry Administrative Order 21-02**

Dear **Commissioner Guerrero**:

We write to you in relation to Department of Trade and Industry (DTI) Administrative Order (DAO) No. 21-02, issued last 03 March 2021, amending Annex A (List of Countries Excluded from the Imposition of the Definitive Safeguard Duty on Cement) of DAO No. 19-13.

Under Rule 13.3 (b) of the Implementing Rules and Regulations Governing the Imposition of a Safeguard Measure under Republic Act 8800 (Safeguard Measures Act), it shall be mandatory for the Commissioner of Customs to issue, within three (3) calendar days from receipt of the Order of the Secretary of Finance, an instruction to the Collectors of Customs to proceed with the final appraisal of the product under consideration. It shall also be mandatory for the Collectors of Customs to immediately implement the instructions of the Commissioner of Customs upon receipt thereof.

Hence, pursuant to the clear mandate of the law, the Commissioner of Customs is hereby directed to issue the relevant Customs Memorandum Order (CMO) imposing the definitive general safeguard duty on imported cement from covered countries/economies, taking into consideration the amendments under DAO 21-02.

Additionally, we urge the Commissioner of Customs to ensure that only those imported cement from countries/economies listed in the amended Annex A are exempt from the definitive general safeguard duties.

A handwritten signature in black ink, appearing to be "R. Guerrero", is located at the bottom left of the page.

CMO NO. 11- 2021 p. 3

All other provisions of DAO 19-13 shall remain in force and effect, except as expressly modified under DAOs 20-08 and 21-02.

Please note that the Order of the DTI shall take effect upon the issuance by the Bureau of Customs of the CMO.

Thank you.

Very truly yours,

  
CARLOS G. DOMINGUEZ  
Secretary of Finance

MAR 12 2021

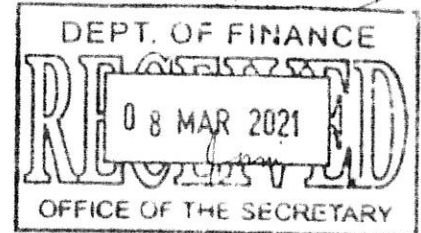


CC: SECRETARY RAMON M. LOPEZ  
Department of Trade and Industry

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04 March 2021

HON. CARLOS G. DOMINGUEZ  
Secretary  
Department of Finance  
DOF Building BSP Complex  
Roxas Blvd., Manila



A

Dear Secretary Dominguez:

I am furnishing you a copy of the Department Administrative Order which amended Annex A of DAO No. 19-13 "In the Matter of the Definitive General Safeguard Measures on the Importation of Cement from Various Countries".

The Order shall take effect after fifteen (15) days from its publication in two (2) newspapers of general circulation or upon the issuance of the relevant Customs Memorandum Order, whichever comes earlier.

Pursuant to Section 8 of RA 8600, the Safeguard Measures Act, we are requesting the Secretary to issue instructions to the Commissioner of Customs authorizing the imposition of the definitive safeguard duties on countries/economies covered and to ensure that only those cement originating from countries/economies listed in the amended Annex are exempt from the definitive general safeguard duties.

All other provisions of DAO No. 19-13 except as herein expressly modified and under DAO No. 20-08 shall remain in force and effect.

A copy of the said Order can be accessed at the DTI website

Thank you.

Very truly yours,

  
RAMON M. LOPEZ  
Secretary



cc: Commissioner Rey Leonardi Guerrero  
Bureau of Customs

04 March 2021

ATTY. JOSE SALVADOR M. RIVERA, JR.  
Legal Counsel  
Cement Manufacturers' Association of the Philippines  
MacroPharma Building, No. 1 Julia Vargas Ave.  
CW Home Depot, Brgy. Ugong Pasig City

Dear Atty. Rivera:

I am furnishing you a copy of the Department Administrative Order which amended Annex A of DAO No. 19-13 "In the Matter of the Definitive General Safeguard Measures on the Importation of Cement from Various Countries".

The Order shall take effect after fifteen (15) days from its publication in two (2) newspapers of general circulation or upon the issuance of the relevant Customs Memorandum Order, whichever comes earlier.

All other provisions of DAO No. 19-13 except as herein expressly modified and under DAO No. 20-08 shall remain in force and effect.

A copy of the said Order can be accessed at the DTI website.

Thank you

Very truly yours

  
RAMON M. LOPEZ  
Secretary



Department Administrative Order No 21-02  
Series of 2021

IN THE MATTER OF THE DEFINITIVE  
GENERAL SAFEGUARD MEASURES ON  
THE IMPORTATION OF CEMENT FROM  
VARIOUS COUNTRIES

(AHTN Codes 2523.29.90 and 2523.90.00)

x-----x

ORDER

On October 22, 2019, the Bureau of Customs issued Customs Memorandum Circular (CMC) No. 269-2019, implementing DTI AO No. 19-13, imposing a definitive safeguard duty on imported cement classified under ASEAN Harmonized Tariff Nomenclature (AHTN) 2523.29.90 and 2523.90.00 from various countries, dated 27 August 2019.

As provided under Section 13 paragraph 4 of RA 8800 and Rule 13.1 d of its IRR, "a general safeguard measure shall not be applied to a product originating from a developing country if its share to total Philippine imports of the said product is less than three percent (3%); Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total Philippine imports of the product concerned". Accordingly, a list of developing countries excluded from the imposition of the definitive safeguard duty on cement was attached as Annex "A" to DAO No. 19-13.

The Department conducted a review of the volume of imports of cement from various countries, particularly those originating from developing countries that were previously exempted from the safeguard measure under the aforementioned provisions on developing countries. The review covered importations from January to December 2020.

Pursuant to the review, subject imported cement products originating from developing countries that have breached the volume share to total import threshold of less than 3% shall now be covered by the definitive safeguard duty.

Further, the Department notes that developing countries fall under low to lower middle income and low-medium, and high human development. Furthermore, membership in relevant international organizations comprised mainly of high-income economies/countries such as the Organization for Economic Co-operation and Development (OECD), is an important criterion in establishing if a country/economy is already developed.

OFFICE OF THE DTI SECRETARY

There is therefore a need to amend Annex "A" (List of Countries Excluded from the Imposition of the Definitive Safeguard Duty on Cement) of DAO No. 19-13, to reflect the aforementioned considerations.

WHEREFORE, AND IN VIEW THEREOF, the Department hereby amends Annex "A", of DAO No. 19-13, the list of countries excluded from the imposition of the definitive safeguard duty on cement, as follows:

| East & Southern Africa | West Africa          | North Africa     | South Asia                     |
|------------------------|----------------------|------------------|--------------------------------|
| Angola                 | Benin                | Algeria          | Afghanistan                    |
| Botswana               | Burkina Faso         | Egypt, Arab Rep. | Bangladesh                     |
| Burundi                | Cameroon             | Libya            | Bhutan                         |
| Cameroon               | Cape Verde           | Morocco          | British Indian Ocean Territory |
| Congo, Dem. Rep.       | Central African Rep. | Tunisia          | East Timor                     |
| Dominican              | Chad                 |                  | India                          |
| Egypt                  | Congo, Rep.          |                  | Maldives                       |
| Ethiopia               | Cote d'Ivoire        |                  | Nepal                          |
| Kenya                  | Equatorial Guinea    |                  | Pakistan                       |
| Lesotho                | Gabon                |                  | Sri Lanka                      |
| Madagascar             | Gambia, The          |                  |                                |
| Malawi                 | Ghana                |                  |                                |
| Mauritius              | Guinea               |                  |                                |
| Mozambique             | Guinea Bissau        |                  |                                |
| Namibia                | Liberia              |                  |                                |
| Raunion                | Mali                 |                  |                                |
| Rwanda                 | Mauritania           |                  |                                |
| Seychelles             | Niger                |                  |                                |
| Somalia                | Nigeria              |                  |                                |
| South Africa           | Sao Tome & Principe  |                  |                                |
| Sudan                  | Senegal              |                  |                                |
| Swaziland              | Sierra Leone         |                  |                                |
| Tanzania               | Togo                 |                  |                                |
| Uganda                 |                      |                  |                                |
| Zambia                 |                      |                  |                                |
| Zimbabwe               |                      |                  |                                |

| Europe & Central Asia  | Middle East  | Americas  | East Asia & Pacific   |
|--|--|---|---|
| Albania<br>Armenia<br>Azerbaijan<br>Belarus<br>Bosnia & Herzegovina<br>Bulgaria<br>Croatia<br>Cyprus<br>Georgia<br>Greenland<br>Kazakhstan<br>Kyrgyz Republic<br>Macedonia, FYR<br>Malta<br>Moldova<br>Romania<br>Russian Federation<br>Tajikistan<br>Turkey<br>Turkmenistan<br>Ukraine<br>Uzbekistan<br>Yugoslavia, Fed. Rep. | Bahrain<br>Iran, Islamic Rep.<br>Iraq<br>Jordan<br>Kuwait<br>Lebanon<br>Oman<br>Qatar<br>Saudi Arabia<br>Syrian Arab Rep.<br>United Arab Emirates<br>West Bank & Gaza<br>Yemen, Rep. | Anguilla<br>Antigua & Barbuda<br>Argentina<br>Aruba<br>Bahamas<br>Barbados<br>Belize<br>Bermuda<br>Bolivia<br>Brazil<br>British Virgin Is.<br>Cayman Is.<br>Colombia<br>Costa Rica<br>Cuba<br>Dominica<br>Dominican Rep.<br>Ecuador<br>El Salvador<br>Falkland Is. (Malvinas)<br>French Guiana<br>Grenada<br>Guadeloupe<br>Guatemala<br>Guyana<br>Haiti<br>Honduras<br>Jamaica<br>Martinique<br>Mexico<br>Montserrat<br>Netherland Antilles<br>Nicaragua<br>Norfolk Is.<br>Panama<br>Paraguay<br>Peru<br>Puerto Rico<br>St. Helena<br>St. Kitts & Nevis<br>St. Lucia<br>St. Pierre & Miquelon<br>St. Vincent & the Grenadines<br>Suriname<br>Trinidad & Tobago<br>Turks & Caicos Is.<br>Uruguay<br>US Virgin Is.<br>Venezuela | American Samoa<br>Brunei Darussalam<br>Cambodia<br>Christmas Is.<br>Cocos (Keeling) Is.<br>Cook Is.<br>Fiji<br>French Polynesia<br>Guam<br>Hong Kong, China<br>Johnston Is.<br>Kiribati<br>Korea, Dem. Rep.<br>Lao PDR<br>Macau, China<br>Malaysia<br>Marshall Islands<br>Micronesia, Fed. Sts.<br>Midway Is.<br>Mongolia<br>Myanmar<br>Nauru<br>New Caledonia<br>Niue<br>Northern Marianas Is.<br>Palau<br>Papua New Guinea<br>Pitcairn Is.<br>Samoa<br>Singapore<br>Solomon Islands<br>Tokelau<br>Tonga<br>Tuvalu<br>Vanuatu<br>Wake Is.<br>Wallis & Futuna Is. |



CMO NO. 11 - 2021 p.9

Importers of cement originating from the above listed countries shall submit a Certificate of Country of Origin (CO) issued by the authorized agency/office in the country of manufacture subject to affixation of "Apostille" to the document or authenticated by the Philippine Embassy/Consulate General, as applicable.

All other provisions of DAO No. 19-13 except as herein expressly modified and under DAO No. 20-03, shall remain in force and effect.

Let this Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country members concerned. This Order can also be accessed at the DTI website.

This Order shall take effect upon the issuance of the relevant Customs Memorandum Order by the Bureau of Customs or after fifteen (15) days from its publication in two (2) newspapers of general circulation, whichever comes earlier.

SO ORDERED.

03 March 2021

  
RAMON M. LOPEZ  
Secretary  
*dlv*

