

EXECUTIVE ORDER NO. 38

AMENDING SECTION 2307 OF THE TARIFF AND CUSTOMS CODE
OF THE PHILIPPINES, AS AMENDED.

WHEREAS, in conformity with the present administration's thrust to increase and accelerate revenue collection, there is a need to empower the District Collector of Customs to settle seizure cases which will expedite the collection of revenue and hasten the release of cargoes under seizure proceedings;

WHEREAS, the authority given to the District Collector of Customs in Seizure cases, subject to the approval of the Commissioner, will benefit importers and exporters in the form of reduction in expenditures and the assurance of the return of their investments which have been tied up with their importations.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Section 2307 of the Tariff and Customs Code of the Philippines is hereby amended to read as follows:

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Section 2307. Settlement of Case by Payment of Fine or Redemption of Forfeited Property. - Subject to approval of the Commissioner, the district collector may while the case is still pending, except when there is fraud, accept the settlement of any seizure case provided that the owner, importer, exporter, or consignee or his agent shall offer to pay to the collector a fine imposed by him upon the property, or in case of forfeiture, the owner, exporter, importer or consignee or his agent shall offer to pay for the domestic market value of the seized article. The Commissioner may accept the settlement of any seizure case on appeal in the same manner.

Upon payment of the fine as determined by the district collector which shall be in an amount not less than twenty per centum (20%) nor more than eighty per centum (80%) of the landed cost of the seized imported article or the F.O.B. value of the seized article for export, or payment of the domestic market value, the property shall be forthwith released and all liabilities which may or might attach to the property by virtue of the offense which was

the occasion of the seizure and all liability which might have been incurred under any cash deposit or bond given by the owner or agent in respect to such property shall thereupon be deemed to be discharged.

Settlement of any seizure case by payment of the fine or redemption of forfeited property shall not be allowed in any case where the importation is absolutely prohibited or where the release of the property would be contrary to law."

SECTION 2. All laws, rules and regulations, issuances or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 3 This Executive Order shall take effect immediately

Done in the City of Manila, this 6th day of August in the year of Our Lord, nineteen hundred and eighty-six

Corason B. Aquino
President of the Philippines

By the President:

Joker P. Arroyo
JOKER P. ARROYO
Executive Secretary