

Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT CIRCULAR NO. DC2020-05-0012^m

**GUIDELINES IMPLEMENTING THE TEMPORARY MODIFICATION OF IMPORT
DUTY RATES ON CRUDE PETROLEUM OIL AND REFINED PETROLEUM
PRODUCTS AS PROVIDED UNDER EXECUTIVE ORDER (E.O.) NO. 113**

Pursuant to Section 3 of E.O. No. 113 issued by the President of the Republic of the Philippines on 2 May 2020, the Department of Energy (DOE), in coordination with the Department of Finance (DOF), Department of Trade and Industry (DTI), National Economic and Development Authority (NEDA) and the Bureau of Customs (BOC), hereby adopt the following guidelines to implement the reversion of tariff rates to zero percent (0%) on imported crude oil and refined petroleum products based on specified trigger price indexed to international oil prices in the world market.

RULE I. TITLE

This Circular shall be known as the "Implementing Guidelines for the Modification of Import Duty Rates on Crude Petroleum Oil and Refined Petroleum Products under Executive Order No. 113" and shall hereafter be referred to as the "Circular".

RULE II. COVERAGE

This Circular shall apply to all articles listed in Annex A of E. O. 113.

RULE III. REVERSION AND TRIGGER PRICE

Section 1. Determination of the Trigger Price.

The modified rates of import duty shall immediately revert to zero percent (0%) on the first day of the following month, if the three-week average of the Asian Benchmark Dubai Crude Oil price on any month of the year, based on Mean of Platts Singapore (MOPS), reaches US\$64/barrel or above which is based on the computed month average of December 2019 (pre-COVID).

Section 2. Effectivity of the ten (10%) percent tariff.

Pursuant to Section 9 of E. O. 113, the said Order shall be enforceable until such time that R.A. 11469, otherwise known as the "Bayanihan To Heal as One Act" ceases to take effect, or on the first day of the month following the month when the trigger price occurred as provided for in Section 1 hereof, whichever comes earlier.

Section 3. Notification Process.

The DOE shall issue a certification to the DOF and BOC, copy furnished the DTI, NEDA and the oil importers, that the trigger level has been reached.

The DOF and BOC shall then cause the issuance of the corresponding Customs Memorandum Order to effect the said reversion upon receipt of the DOE trigger price certification or upon the cessation of R.A. 11469 enforceability whichever comes earlier.

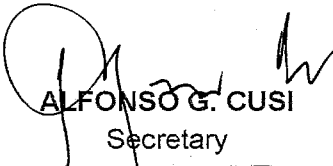
RULE IV. FINAL PROVISIONS

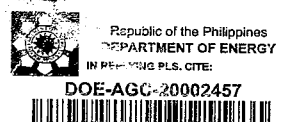
Section 4. Repealing Clause. Any Department Circular or Order, contrary to or inconsistent with this Circular, is hereby repealed, modified or amended accordingly.

Section 5. Separability Clause. If, for any reason, any section or provision of these Guidelines is declared unconstitutional or invalid, such parts not shall remain valid and in full force and effect.

Section 6. Effectivity. This Circular shall take effect immediately after publication in one (1) newspaper of general circulation and copies thereof have been filed with the University of the Philippines Law Center- Office of National Administrative Register (UPLC-ONAR).

Signed at DOE Building, Energy Center, Rizal Drive, Fort Bonifacio Global City, Taguig City.


ALFONSO G. CUSI
Secretary



MAY 11 2020



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 113

**TEMPORARILY MODIFYING THE RATES OF IMPORT DUTY ON
CRUDE PETROLEUM OIL AND REFINED PETROLEUM PRODUCTS
UNDER SECTION 1611 OF REPUBLIC ACT NO. 10863, OTHERWISE
KNOWN AS THE "CUSTOMS MODERNIZATION AND TARIFF ACT"**

WHEREAS, Proclamation No. 929 (s. 2020) declared a State of Calamity throughout the Philippines for a period of six (6) months due to the Corona Virus Disease 2019 (COVID-19), and enjoined all government agencies and local government units to mobilize the necessary resources to undertake critical, urgent and appropriate measures to address the crisis;

WHEREAS, Republic Act (RA) No. 11469 or the "Bayanihan To Heal as One Act," declared: (i) a State of National Emergency over the entire country; and (ii) as a State policy, the urgent need to undertake a program for recovery and rehabilitation, including a social amelioration program and provision of safety nets to all affected sectors, and to ensure that there is sufficient, adequate and readily available funding to implement such program;

WHEREAS, Section 4(ee) of RA No. 11469 granted the President temporary emergency powers to undertake such measures as may be reasonable and necessary to enable him to carry out the declared national policy under the said law;

WHEREAS, there is an urgent need to augment the Government's resources to sufficiently finance the programs and measures to mitigate the effects of the COVID-19 situation, and launch the country towards recovery and rehabilitation;

WHEREAS, Section 1608 of RA No. 10863 or the "Customs Modernization and Tariff Act" empowered the President, in the interest of general welfare and national security, and upon recommendation of the National Economic and Development Authority (NEDA), to (i) increase existing rates of import duty; and (ii) impose additional duty on all imports not exceeding ten percent (10%) *ad valorem*; and

WHEREAS, on 08 April 2020, the NEDA Board approved *ad referendum* the temporary imposition of an additional duty of ten percent (10%) on imported crude oil and refined petroleum products;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the power vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Modification of Tariff Duty. The articles specifically listed in Annex A hereof, as classified under Section 1611 of RA No. 10863, shall be subject to a temporary

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additional import duty of ten percent (10%), on top of their existing Most Favored Nation (MFN) and preferential import duties, in accordance with the schedule indicated opposite each article.

Upon the effectivity of this Order, all articles specifically listed in Annex A hereof, which are entered and withdrawn from warehouses in the Philippines for consumption, shall be levied the temporary additional import duty pursuant to the foregoing.

SECTION 2. Articles Not Listed. The existing rates of import duty on tariff headings and subheadings not listed in Annex A hereof, as well as those listed but represented by the symbol "x x x," shall remain in force and effect.

SECTION 3. Reversion and Trigger Price. The modified rates of import duty under Section 1 hereof shall immediately revert to zero percent (0%) as international oil prices increase, based on trigger prices indexed to oil prices in the world market, upon a certification by the Department of Energy (DOE) that a trigger price has been reached, and the Department of Finance (DOF) has been notified of the same.

The Bureau of Customs (BOC) shall then issue the corresponding Customs Memorandum Order to effect the said reversion.

The DOE, in coordination with the DOF, Department of Trade and Industry, NEDA and BOC shall promulgate the guidelines for the effective implementation of this Section.

SECTION 4. Use of Proceeds. The Department of Budget and Management is directed to study, propose and/or take such measures as may be appropriate, to ensure that the proceeds derived from the temporary additional import duty shall be used to fund measures that address and respond to the effects of the COVID-19 situation, including social amelioration programs and such other forms of assistance for all those affected.


SECTION 5. Repeal. All other orders, issuances, rules and regulations inconsistent with this Order are hereby repealed or modified accordingly.

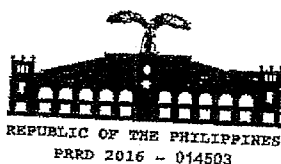
SECTION 6. Separability. If any provision of this Order is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

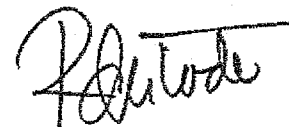
SECTION 7. Effectivity. This Order shall take effect immediately after its publication in the Official Gazette or a newspaper of general circulation, and shall remain enforceable until such time that RA No. 11469 ceases to take effect, or upon the reversion of the modified rates of import duty to 0% pursuant to Section 3 hereof, whichever is earlier.

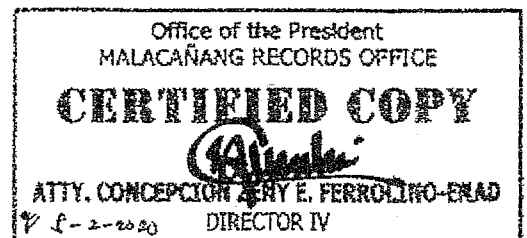
DONE in the City of Manila, this 2nd day of May, in the year of our Lord, Two Thousand and Twenty.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary







ANNEX A

HDG. NO.	AHTN 2017 CODE	DESCRIPTION	ADDITIONAL DUTY (%)
27.09		Petroleum oils and oils obtained from bituminous minerals, crude.	
	2709.00.10	- Crude petroleum oils	10
	2709.00.20	- Condensates	10
	2709.00.90	- X X X	
27.10		Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils.	
		- Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, other than those containing biodiesel and other than waste oils :	
	2710.12	-- Light oils and preparations :	
		--- Motor spirit, leaded :	
	2710.12.11	---- Of RON 97 and above	10
	2710.12.12	---- Of RON 90 and above but below RON 97	10
	2710.12.13	---- Of other RON	10
		--- Motor spirit, unleaded :	
		---- Of RON 97 and above :	
	2710.12.21	----- Unblended	10
	2710.12.22	----- Blended with ethanol	10
	2710.12.23	----- Other	10
		---- Of RON 90 and above but below RON 97 :	
	2710.12.24	----- Unblended	10
	2710.12.25	----- Blended with ethanol	10
	2710.12.26	----- Other	10
		---- Of other RON :	
	2710.12.27	----- Unblended	10
	2710.12.28	----- Blended with ethanol	10
	2710.12.29	----- Other	10
		--- X X X	

HDG. NO.	AHTN 2017 CODE	DESCRIPTION	ADDITIONAL DUTY (%)
	2710.12.31	---- X X X	
	2710.12.39	---- X X X	
	2710.12.40	--- X X X	
	2710.12.50	--- X X X	
	2710.12.60	--- X X X	
	2710.12.70	--- X X X	
	2710.12.80	--- Naphtha, reformates and other preparations of a kind used for blending into motor spirits	10
		--- Other :	
	2710.12.91	---- Alpha olefins	10
	2710.12.92	---- Other, petroleum spirit, having a flashpoint of less than 23 °C	10
	2710.12.99	---- Other	10
	2710.19	-- Other :	
	2710.19.20	--- X X X	
	2710.19.30	--- X X X	
		--- Lubricating oils and greases :	
	2710.19.41	---- Lubricating oil feedstock	10
	2710.19.42	---- Lubricating oils for aircraft engines	10
	2710.19.43	---- Other lubricating oils	10
	2710.19.44	---- Lubricating greases	10
	2710.19.50	--- X X X	
	2710.19.60	--- X X X	
		--- Diesel fuel; fuel oils :	
	2710.19.71	---- Automotive diesel fuel	10
	2710.19.72	---- Other diesel fuels	10
	2710.19.79	---- Fuel oils	10
	2710.19.81	--- Aviation turbine fuel (jet fuel) having a flash point of 23 °C or more	10
	2710.19.82	--- Aviation turbine fuel (jet fuel) having a flash point of less than 23 °C	10
	2710.19.83	--- Other kerosene	10
	2710.19.89	--- Other medium oils and preparations	10
	2710.19.90	--- X X X	
	2710.20.00	- Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, containing biodiesel, other than waste oils	10
		- Waste oils :	

HDG. NO.	AHTN 2017 CODE	DESCRIPTION	ADDITIONAL DUTY (%)
	2710.91.00	-- X X X	
	2710.99.00	-- X X X	
27.11		Petroleum gases and other gaseous hydrocarbons.	
		- Liquefied :	
	2711.11.00	-- Natural gas.	10
	2711.12.00	-- Propane	10
	2711.13.00	-- Butanes	10
	2711.14	-- Ethylene, propylene, butylene and butadiene :	
	2711.14.10	--- Ethylene	10
	2711.14.90	--- Other	10
	2711.19.00	-- Other	10
		- In gaseous state :	
	2711.21	-- Natural gas :	
	2711.21.10	--- Of a kind used as a motor fuel	10
	2711.21.90	--- Other	10
	2711.29.00	-- Other	10

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