

MEMORANDUM OF UNDERSTANDING

KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF UNDERSTANDING (MOU) is entered into by and between:

The Department of Environment and Natural Resources, represented herewith by the ENVIRONMENT MANAGEMENT BUREAU created by virtue of Executive Order No. 192 with offices at EMB Bldg., DENR Compound, Visayas Avenue, Diliman, Quezon City, represented by its Secretary, Hon. **HEHERSON T. ALVAREZ**, herein referred to as DENR-EMB;

AND

The Department of Finance, represented herewith by the BUREAU OF CUSTOMS, with offices at the Port Area, Manila represented by its Commissioner, Undersecretary **ANTONIO M. BERNARDO**, herein referred to as BoC:

WITNESSETH:

WHEREAS, under Republic Act 6969 (Toxic and Hazardous and Nuclear Wastes Control Act of 1999) and Resolution No. 25 dated March 10, 1993 of the Senate of the Philippines ratifying the Montreal Protocol on Substances that Deplete the Ozone Layer, the DENR-EMB has the legal mandate to regulate, restrict or prohibit the import, export, use, manufacture, transport, processing, storage, possession or sale of ozone-depleting substances to abate or minimize their risks and hazards to the stratospheric ozone, public health, and the environment.

WHEREAS, the BoC, under Republic Act 1973 and 4109 and Presidential Decree 1464, is responsible for clearing all importations prior to entry into the country.

WHEREAS, there is an urgent need to clarify the respective responsibilities of, and establish the working relationship between, BoC and the DENR-EMB in relation to the provisions of RA 6969 and the Montreal Protocol on Substances that Deplete the Ozone Layer as ratified by the Senate.

NOW, THEREFORE, in view of the foregoing premises, the DENR-EMB and the BoC hereby stipulate and agree as follows:

1. The DENR-EMB, shall:

- a) Issue rules and regulations relative to the import, export, transport, processing, storage, possession or sale of ozone-depleting substances and its alternatives;
- b) Issue Pre-Shipment Importation Clearance to registered/authorized importers of ODS and its alternatives as basis for BoC's approval of entry;
- c) Support the BoC in obtaining resources such as equipment, manpower training, expertise, information, and others, in order to capacitate the BoC and assure proper enforcement/implementation of appropriate rules and regulations;
- d) Draft, together with the BoC, a Customs Handbook for perusal in the enforcement and implementation of any endeavor that the parties may pursue in furtherance of the terms of this agreement;
- e) Upon advice of BoC, monitor/validate "suspicious" shipment after it has left the BoC.

- f) Designate the Philippine Ozone Desk and the Environmental Quality Division of EMB as official liaison to the BoC.

2. The BoC, shall:

- a) Implement/enforce relevant rules and regulations relative to the import, export, transport, processing, storage, possession or sale of ozone-depleting substances and its alternatives;
- b) Draft, together with the DENR-EMB, a Customs Handbook for perusal in the enforcement and implementation of any endeavor that the parties may pursue in furtherance of the terms of this agreement;
- c) Provide to DENR-EMB import data of ODS and its alternatives on a semi-annual basis;
- d) Notify the DENR-EMB of any "suspicious" shipment/s encountered;
- e) Designate Environmental Protection Unit (EPU) under the Office of the Deputy Commissioner for Intelligence and Enforcement Group (IEG) to be in-charge of implementing the MOU and act as the official liaison to the DENR-EMB through the Philippine Ozone Desk.

For the efficient and effective implementation of this Agreement, an EMB-BoC Liaison Committee shall be created to ensure adequate coordination, cooperation, information sharing, and problem solving between the two agencies. Membership of the liaison committee shall be decided by the head of the two agencies. The Committee shall meet at least twice a year, or as may be requested by either party.

This agreement shall be binding without prejudice to further and subsequent laws, orders or regulations that may be passed in relation to the forgoing subject matter of this undertaking.

This Agreement shall take effect upon its execution by the Parties. Any modification or amendment of the terms and conditions of this Agreement shall be mutually agreed upon by the parties and shall be made in writing duly signed by the Parties.

IN WITNESS WHEREOF, the parties hereby set their hands this 24th day of July year Two Thousand and Two at the Heritage Hotel, Pasay City.

Department of Environment
and Natural Resources
Environmental Management Bureau

By:


HEHERSON T. ALVAREZ
Secretary


Signed in the Presence of:




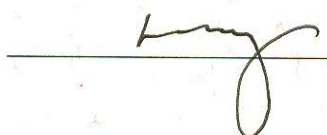


Department of Finance
BUREAU OF CUSTOMS

By:


ANTONIO M. BERNARDO
Commissioner





ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES
QUEZON CITY

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S.S.

Before me on the 29th day of July 2002 personally appeared
HEHERSON T. ALVAREZ with CTC No. 00496785 issued on 1-07-02
at MANILA and **ANTONIO M. BERNARDO** with CTC No. 11947810
issued on 3-11-02 at MAKATI CITY, known to me to be the same persons
who executed the foregoing undertaking and acknowledging to me that the same
is of their own free act and will.

WITNESS MY HAND AND SEAL.

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NOTARY PUBLIC



ATTY. ROSANNE B. TURINGAN
NOTARY PUBLIC

UNTIL DEC 31, 02

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