REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Quezon City

March 29, 2016

REVENUE MEMORANDUM ORDER NO. 12-2016

SUBJECT : Prescribing the Policies, Guidelines and Procedures in the Manual Issuance of Authority to Release Imported Goods (ATRIGs) for Imported Automobiles Already Released from Customs' Custody Pursuant to Revenue Regulations No. 2-2016

TO : All Internal Revenue Officers and Others Concerned

BACKGROUND

Revenue Regulations (RR) No. 2-2016 set forth guidelines and procedures in securing and issuing an ATRIG for imported automobiles already released from customs custody based on information that a significant number have been released without the required ATRIG. However, in order to allow importers, buyers and/or possessors of automobiles for which no ATRIGs have been secured to rectify their omissions and to regularize their documents, this RMO is being issued to prescribe the policies guidelines and procedures relative thereto.

I. OBJECTIVE

This Order is issued to prescribe the policies and guidelines relative to the issuance of ATRIG for imported automobiles covered by Item VI. of RR No. 2-2016.

II. POLICIES AND GUIDELINES

1. For automobiles already released from the custody of the Bureau of Customs' custody without the required issuance of the ATRIG subject of RR 2-2016, a duly notarized application for ATRIG (Annex A) in duplicate and duly signed by the importer/registered owner or his duly authorized representative or registered owner of the automobile with the prescribed documentary stamp affixed thereon shall be filed with the Excise LT Regulatory Division (ELTRD);

2. The importer/registered owner of automobiles shall file for issuance of ATRIG ***on the deadline setforth in Revenue Regulation 2-2016 or any amendments thereto.*** Thereafter, no application for ATRIG shall be accepted for imported automobiles already released from the custody of the Bureau of Customs;

3. No ATRIG shall be issued unless the correct excise and value added taxes ***including 50% surcharge and 20% interest shall have been paid within the same period***. The 20% interest shall be reckoned from the date of the Final Import Entry and Internal Revenue Declaration (IEIRD)/Single Administrative Document (SAD);

4. The computation of excise tax shall be based on existing revenue issuances using the Excise Tax and Value Added Tax Computation Sheet (Annex B);

5. The amount of excise and value added taxes paid as shown in any previous ATRIG issued to and as further evidence by the Certificate of Payment previously issued by the BoC to the automobile subject of the application, shall be credited against the amount that should have been paid before the computation of the surcharge and the interest. Provided, the previous ATRIG should clearly identify that the same was issued for the same automobile subject of the application;

6. Payment of excise and value added taxes inclusive of surcharge and interest shall be made through the Electronic Filing Payment System (eFPS) or using e-BIR Form No. 0605 – (Payment Form), whichever is applicable indicating Deficiency Excise Tax/Value-Added Tax. The duplicate copy of the proof of payment (Confirmation from Banks for eFPS users/Bank validated payment form for e-BIR Form users) shall be submitted for validation purposes;

7. Thereafter, ELTRD shall reconcile all applications received herein with the Bureau of Customs (BoC) to determine that the Certificate of Payments submitted are true and accurate, and/or all deficiency duties and tariffs which may result by reason of the application for ATRIG herein are properly paid for. ELTRD shall obtain from BoC not later than May 31, 2016 a certification as to (1) the truthfulness and accuracy of the Certificate of Payments submitted, and/or (2) for any deficiency duties and tariffs resulting hereunder, a copy of the Certificate of Payments indicating therein the payment of the deficiency duties and tariffs, before the preparation of the Manual ATRIG Form.

8. A Manual ATRIG Form (BIR Form No. 1918) in triplicate copy shall be prepared and issued for this purpose to be signed by the Commissioner of Internal Revenue after verification that all requirements have been fully complied with;

9. The "one ATRIG-one automobile" policy under existing revenue issuance for purposes of ensuring that the importation of automobiles are fully accounted for shall be complied with;

10. An application herein shall cover only one automobile; and

11. ATRIGs that have been issued pursuant to this RMO may be subject to post audit or review by any Office authorized by the Commissioner of Internal Revenue.

III. PROCEDURES

1. ELTRD shall:

   a. Receive application for ATRIG and check the completeness of the following supporting documents:

   FOR RESALE:

   i. Commercial Invoice (Final not Pro-forma Invoice);
   ii. IEIRD (with Examiner's findings/Final Entry)/SAD;
   iii. Updated Importer's Sworn Statement;
   iv. Certificate of Payments, if none, a declaration that no Certificate of Payments is available; and
   v. Chassis No./Engine No./Vehicle Identification No. (VIN).

FOR PERSONAL USE:

1. Brand New

   i. Commercial Invoice (Final not Pro-forma Invoice);
   ii. IEIRD (with Examiner's findings/Final Entry)/SAD;
   iii. Certificate of Payments, if none, a declaration that no Certificate of Payments is available; and
   iv. Chassis No./Engine No./Vehicle Identification No. (VIN).

2. Returning Residents

   i. IEIRD (with Examiner's findings/Final Entry)/SAD;
   ii. BOC Car Evaluation System – Computation of Duties and Taxes signed by the Assessor/Examiner;
   iii. Certification from the Bureau of Import Services;
   iv. Certificate of Title/Ownership;
   v. Certificate of Payments, if none, a declaration that no Certificate of Payments is available; and
   vi. Passport.

3. Local Purchase/Voluntary Payment

   i. Informal Import Entry and Internal Declaration (Final);
   ii. BOC Car Evaluation System – Computation of Duties and Taxes;
   iii. Certificate of Payments, if none, a declaration that no Certificate of Payments is available;
   iv. Certificate of Registration and Official Receipt issued by the Land Transportation Office (LTO); and
   v. Deed of Absolute Sale.

b. Proceed with the evaluation of documents. If the requirements are satisfactorily complied with, compute the corresponding excise and value added tax due thereon including surcharge and interest and validate payments made to BOC, if any;

c. Provide the importer/registered owner a copy of the Computation of Excise and VAT Sheet (Annex B) for payment to the Authorized Agent Banks where registered not later than April 30, 2016;

d. In cases where no previous payment was made to BOC or there is underdeclaration in the value of the automobile, ELTRD shall promptly advice BoC, and require the importer/registered owner proceed to BOC for payment of customs duties and other charges, if any. Thereafter, submit a certified true copy thereof to ELTRD;

e. If payment has been made by the importer/registered owner, the original copy of the payment forms covering Excise Tax and VAT shall be submitted and attached to the docket for verification purposes;

f. Reconcile all applications received herein with the BoC to determine that the Certificate of Payments submitted are true and accurate, and/or all deficiency duties

and tariffs which may result by reason of the application for ATRIG herein are properly paid for. ELTRD shall obtain from BoC not later than May 31, 2016 a certification as to (1) the truthfulness and accuracy of the Certificate of Payments subject, and/or (2) a copy of the Certificate of Payments indicating therein the payment of the deficiency duties and tariffs, before the preparation of the Manual ATRIG Form.

g. Prepare the Manual ATRIG form (BIR Form No. 1918) for initial of the Section Chief, Assistant Chief, and Chief of ELTRD. The form shall be filled-up completely, in triplicate and distributed as follows:

Original	-	Bureau of Customs
Duplicate/Triplicate	-	Issuing Office (ELTRD)

h. Transmit to the Office of the HREA and Assistant Commissioner, Large Taxpayers Service, for their review and initials;

i. Transmit to the Office of the Commissioner of Internal Revenue for signature.

j. Receive the duly signed Manual ATRIG form and provide the importer/registered owner a photocopy thereof;

k. Prepare transmittal letter signed by the ACIR, LTS covering the original signed ATRIG and transmit the same to the Commissioner of Customs;

k. Maintain a Summary Report for all manually issued ATRIGs and enter all ATRIGs that have been issued in a sequential manner according to the Control Number thereof. The Registry Book shall contain the following information:

i. ATRIG Control Number;
ii. Date of Issue;
iii. Name and Address of Importer/registered owner;
iv. Importer's/registered owner's TIN;
v. Name and address of Broker;
vi. Broker's TIN;
vii. Quantity/No. of Unit
viii. Description of automobile(s);
    1) Brand;
    2) Year Model;
    3) Motor/Engine No.;
    4) Chassis No./VIN;
ix. Bill of Lading No.;
x. Name of Vessel/ Carrier Number;
xi. Value of Automobile (in US Dollars);
xii. Port of Entry;
xiii. Purpose of Importation;
xiv. Total Amount based on BOC Certificate of Payment;
xv. Date of Certificate of Payment;
xvi. Date released; and
xvii. Amount of Excise Tax, Value Added Tax, and Total Excise and VAT Payment.

2. OFFICE OF HREA/ACIR

   a. Receive and log the forwarded Manual ATRIG together with all the attachments;
   b. Review the application for ATRIG and if found in order, initial the manual ATRIG, otherwise, return to the originating office; and
   c. Transmit to the Office of the Commissioner.

3. OFFICE OF THE COMMISSIONER

   a. Receive and log the forwarded Manual ATRIG together with all the attachments
   b. Review the application for ATRIG and if found in order, sign the manual ATRIG, otherwise, return to the originating office; and
   c. Return the signed ATRIG to the ELTRD.

IV. PENALTY CLAUSE

Strict compliance herewith is enjoined. Any automobile released from customs' custody without the payment or proper payment of the required taxes may be detained by any revenue officer in accordance with Section 172 of the National Internal Revenue Code (NIRC) of 1997, as amended, and if warranted, subsequently forfeited pursuant to Section 268(C) of the NIRC. The person/s responsible for the same shall be held liable for unlawful possession or removal without payment of tax pursuant to Section 263 of the NIRC as amended.

V. REPEALING CLAUSE

All revenue issuances inconsistent herewith are hereby repealed and amended accordingly.

VI. EFFECTIVITY

This Order shall take effect immediately.

(Original Signed)
KIM S. JACINTO-HENARES
Commissioner of Internal Revenue

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