

MEMORANDUM CIRCULAR NO. 22-01
Series of 2022



To : All Manufacturers and Importers of Ceramic Tiles Covered by
DAO 20-09, Series of 2020 and Others Concerned

SUBJECT : Supplemental Guidelines for the Implementation of DAO 20-09,
Series of 2020

WHEREAS, the Department Administrative Order (DAO) 20-09, Series of 2020 took effect on 12 January 2021, the objective of which is to strictly ensure that ceramic tiles comply with the specified quality requirements as prescribed therein;

WHEREAS, market monitoring and enforcement shall commence on 01 January 2022 to ensure that all ceramic tiles covered by DAO 20-09, Series of 2020 distributed in the local market bear Philippine Standard (PS) License Mark or Import Commodity Clearance (ICC) sticker;

WHEREAS, due to the ongoing effect of COVID-19 pandemic on several businesses, there is a need for BPS' further action on the proper disposition of ceramic tiles considering the volume that are already released and distributed in the Philippine market prior to the implementation of DAO 20-09, Series of 2021;

WHEREAS, considering the disruptions caused by Typhoon Odette, most of the ceramic tiles importers expressed that they will not be able to utilize the remaining inventories of ceramic tiles including those already at their distributor's warehouse and hardware stores;

WHEREAS, several importers raised their concerns for product testing for shipments of ceramic tiles intended for single dwelling units or project supply contracts;

WHEREAS, pursuant to Rule 23 of DAO 20-09, Series of 2020, BPS may issue such procedural guidelines as may be necessary in the implementation of this Order;

WHEREAS, consistent with Good Regulatory Practice, the Department is committed to continuously review its Technical Regulations in order to balance the interest of the stakeholders without compromising the safety of the consumers;

WHEREFORE, foregoing premises considered, this Memorandum Circular is hereby issued for the guidance of all concerned.

1. SCOPE

- 1.1 This Memorandum Circular aims to provide guidelines for the certification of the products covered by DAO 20-09:2020 which are manufactured or imported to the Philippines before 12 October 2021 and are currently in the possession of importers, distributors, or retailers.
- 1.2 For shipments of ceramic tiles intended for single dwelling units or project supply contracts with tile importations not exceeding 1,800 sq. meters, the importer shall apply for Import Commodity Clearance (ICC) subject to the following conditions:
 - 1.2.1 The ICC application shall be filed on a per product, per shipment, per Bill of Lading / Airway Bill basis;

- 1.2.2 The documentary and process requirements excluding sampling and testing shall be consistent with the applicable provisions of Rule 6 of DAO 20-09, Series of 2020.
- 1.2.3 The applicant shall submit an Affidavit of Undertaking in accordance to the format provided in Annex A and Bill of Materials / Bill of Quantity during the filling of application;
- 1.2.4 Submission of surety bond shall not be required; and,
- 1.2.5 The products shall comply with the marking requirements prescribed in Rule 10 of DAO 20-09, Series of 2020.

Upon compliance with the aforementioned conditions, Certificate of Exemption (CE) shall be issued.

2. PRODUCT CERTIFICATION

2.1. For locally-manufactured products

- 2.1.1 For local manufacturers intending to apply for the certification of their existing inventories, the application using the form shown in Annex B shall be submitted to the BPS.
- 2.1.2 Products that are currently in the possession of the distributors and retailers shall be declared in the application.

2.2 For imported products

- 2.2.1 For imported products covered in clause 1.1 herein, the importer shall apply for Import Commodity Clearance (ICC) in accordance with the existing rules and regulations.
- 2.2.2 Products that are currently in the possession of the distributors and retailers shall be declared in the application.
- 2.2.3 The application for ICC shall be filed by the importer on a per product and per manufacturer basis.
- 2.2.4 The ICC application shall be supported by the summary of products being applied for certification listed in accordance to the format provided in Annex C. Other import/shipping documents e.g. packing list, commercial invoice, bill of lading, and import entry are not required.

3. CONDUCT OF INSPECTION, VERIFICATION AND SAMPLING

- 3.1. For PS applications, the designated BPS-qualified product auditor shall conduct verification and inventory of the products at the manufacturer's declared warehouse/s and draw samples for independent testing.
- 3.2. For ICC applications, inspection and/or sampling shall be conducted by the BPS, DTI RO/PO or the BPS recognized inspection body at the importer's declared warehouse/s in accordance with existing BPS Inspection and Sampling Procedure.

- 3.3. Drawing of samples shall be conducted in accordance with the sampling requirements of clause 1 of MC 21-29:2021. If the application covers multiple warehouses, inspection, verification, and inventory shall be conducted on all of the declared warehouses.
- 3.4. The samples to be drawn shall be in accordance to the sampling size prescribed in DAO 20-09:2020.
- 3.5. Two (2) sets shall be randomly drawn from the products at the importer's declared warehouse. The first set shall be sent to the BPS or BPS-recognized testing laboratory for testing. The remaining set shall be kept by the manufacturer/importer as reserved samples.

4. PRODUCT TESTING

- 4.1. Product testing shall be conducted by the BPS Testing Laboratory or any BPS recognized testing laboratory.
- 4.2. For manufactured and imported product covered in clause 1.1 herein, product testing shall be conducted in accordance with PNS ISO 13006:2007 (excluding the test parameters for Chemical Analysis) or PNS ISO 13006:2019, whichever is applicable.

5. EVALUATION OF RESULTS

- 5.1. For PS applications, if the results of verification and independent testing showed conformance to the requirements, the BPS shall inform the manufacturer of the results and give authority to affix the PS Mark to the products covered by the application.
- 5.2. For ICC applications, if the drawn samples showed conformance to the applicable standard, ICC Certificate and stickers shall be issued.
- 5.3. If the drawn samples did not conform with the requirements, BPS shall inform the applicant of the result and present the following options:
 - 5.3.1. Submit the reserved samples for testing;
 - 5.3.2. Undertake remedial or corrective measures subject to actual inspection, verification, inventory, and re-sampling (if necessary);
 - 5.3.3. Export the shipment back to the country of origin, at the applicant's own expense, subject to inventory and inspection by an authorized DTI/BPS representative prior to the exportation. Export documents (i.e. Bill of Lading and Import Entry or any other document that will serve as proof that the non-compliant products arrived at the country of origin) shall be submitted by the importer to the BPS; or
 - 5.3.4. Destroy the non-conforming products in accordance with existing rules and regulations, at the applicant's own expense, to be witnessed by a duly authorized DTI/BPS representative. Inspection and inventory shall be conducted by the DTI/BPS representative prior to the actual destruction.

6. FEES, CHARGES, AND OTHER EXPENSES

All corresponding fees, charges, costs, and other related expenses shall be for the account of the manufacturer or importer in accordance with DAO 20-09:2020.

7. MARKET MONITORING AND ENFORCEMENT

Market monitoring and enforcement shall commence on **01 January 2023** to ensure that all ceramic tiles products covered by DAO 20-09, Series of 2020 in the local market bear Philippines Standard (PS) License Mark or Import Commodity Clearance (ICC) sticker. All non-compliant products by this time shall be subject to the following:

- a. First Offense – Notice of Violation shall be issued but retailers/distributors shall only be advised to pull-out the items from the selling area.
- b. Second Offense onwards – Notice of Violation shall be issued subject to the regular adjudication process.

8. Repealing Clause

All other orders or parts thereof which are inconsistent with the provisions of this Circular are hereby repealed or amended accordingly.

This Memorandum Circular shall be effective immediately after its publication in a newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

For the information and guidance of those concerned.

Done in the City of Makati this 7th day of January in the year 2022.

Recommended by:


Digitally signed by
Catajay Neil
Pinuela


NEIL P. CATAJAY
Director, BPS



Digitally signed by
Castelo Ruth
Bernardino

ATTY. RUTH B. CASTELO
Undersecretary, CPG

Approved by:


RAMON M. LOPEZ
Secretary

REPUBLIC OF THE PHILIPPINES)
_____) S.S.

AFFIDAVIT OF PURPOSE

I, (COMPANY REPRESENTATIVE), of legal Age, Filipino Citizen, with postal address located at (ADDRESS OF THE COMPANY/APPLICANT), after having sworn to in accordance with law, hereby depose and say:

1. That I am the (COMPANY DESIGNATION) of (COMPANY), a domestic corporation duly organized and existing under the laws of the Republic of the Philippines, with principal address at (COMPANY ADDRESS) with (SEC registration no./business registration number).
2. That I am authorized by the Board of Directors through a Board Resolution (Annex "A") to process all documents related to company's importation and also to file, follow-up, and clarify issues relating to the application for Import Commodity Clearance (ICC) or Statement of Confirmation (SOC) required by the Department Administrative Order (DAO) 20-09, Series of 2020 and satisfy any requirements of the Department of Trade and Industry's Bureau of Philippine Standards (DTI-BPS).
3. That (Name of the Company) will be importing ceramic tiles to be used for the construction of (single dwelling units / project supply contracts with tile importation quantity of _____ sq.m) only.
4. That the subject product of this Affidavit shall not be used for commercial and other purposes that are not related to single dwelling units to be constructed by (Name of the Contractor).
5. That (Name of the Company) attest to the full compliance of DAO 20-09, Series of 2020 and related BPS guidelines.
6. That I am executing this affidavit to establish the foregoing facts in the importation of the aforementioned product found in the submitted commercial invoice no. (INVOICE NUMBER) and bill of lading no. (BL NUMBER).
7. That the subject shipment/s will be directly delivered to the (Name of the Contractor) and that the subject company shall be directly liable and accountable for any damages that may incur in relation to the said ceramic tiles.
8. Further, affiant sayeth naught.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____ at _____, Philippines.

(Signature over Printed Name)
Affiant

SUBSCRIBED AND SWORN to before me this _____ day of _____, affiant exhibiting to me his (TYPE OF ID) with (ID NUMBER) issued on (DATE OF ISSUANCE OF PRESENTED VALID ID) at _____, Philippines.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2021.

**Application for PS Certification of Ceramic Tiles
Manufactured and Distributed in the Market
Prior to the Effectivity of DAO 20-09:2020**

Name of Manufacturer: _____ Date: _____

Manufacturer's Address: _____

Product Details:

Size and Type	Date of Manufacture	Value of Product (in PhP)	Warehouse Address	Batch/Serial Nos.	Quantity

Total = _____

Declared by:

Name and Signature of Company Representative

**Application for ICC Certification of Ceramic Tiles
Manufactured and Distributed in the Market
Prior to the Effectivity of DAO 20-09:2020**

Name of Company: _____ Date: _____

Importer's Office Address: _____

Product Details:

Size and Type	Date of Arrival in the Philippines	Manufacturer	Country of Origin	Value of Product (in PhP)	Warehouse Address	Batch/Serial Nos.	Quantity

Total = _____

Declared by:

Name and Signature of Company Representative