

**Voluntary Report** – Voluntary - Public Distribution

**Date:** February 22, 2023

**Report Number:** RP2023-0012

**Report Name:** Philippine Rice Import Regulations and Standards

**Country:** Philippines

**Post:** Manila

**Report Category:** FAIRS Subject Report, Grain and Feed, Sanitary/Phytosanitary/Food Safety

**Prepared By:** Pia Ang

**Approved By:** Morgan Haas

**Report Highlights:**

This report outlines the Philippine government requirements for the importation of rice, including significant developments since 2022, when the government generally stopped approving issuances of the Sanitary-Phytosanitary Import Clearance (SPSIC) import permit.

**Rice Tariffication Law:** On February 14, 2019, President Rodrigo Duterte signed into law [Republic Act No. 11203](#) or the “Rice Tariffication Law” (RTL) with the stated goal of replacing the rice import quantitative restrictions with tariffs. Joint Memorandum Circular No. 01-2019 or the [Implementing Rules and Regulations](#) (IRRs) of the RTL were later signed on March 5, 2019. The IRRs specified how the Philippines replaced its quantitative restrictions on rice imports with tariffs. Foremost was the National Food Authority’s (NFA) reduced role and eliminated the requirement to secure an import permit from NFA. The only import permit required would be the Sanitary and Phytosanitary Import Clearance (SPSICs), issued by the Bureau of Plant Industry (BPI). For additional information, see [GAIN Report Rice Tariffication Guidelines Approved](#).

The IRRs ensured that SPSICs would not be used to enforce quantitative restrictions as well as be processed in a timely manner, consistent with the [Ease of Doing Business Act](#).

*Sec. 5. Issuance of Sanitary and Phytosanitary Import Clearance for Rice for the Sole Purpose of Ensuring Food Safety. - All importers of rice are required to secure a Sanitary and Phytosanitary Import Clearance (SPSIC) from the Bureau of Plant Industry (BPI) prior to importation in accordance with existing laws, rules and regulations: Provided, that the clearance shall not provide for import volume and timing restrictions: Provided, further, that failure on the part of the BPI to release the SPSIC without informing the rice importer of any error, deficiency, omission, or additional documentary requirement shall mean automatic approval of the SPSIC applied for within seven (7) days after submission of the complete requirements.*

**Plant Quarantine Requirements:** Presidential Decree No. 1433 or the [Plant Quarantine Law](#) authorizes the Department of Agriculture through the Bureau of Plant Industry (BPI) to exercise inspection and certification and/or treatment activities on imported and exportable plant products such as rice. It also mandates BPI to prevent the introduction of exotic pests into the country, to prevent further spread of existing plant pests, and to enforce phytosanitary measures for the export of plants, plant products, and regulated articles.

BPI’s [National Plant Quarantine Services Division](#) (NPQSD) is charged with implementing [Department Circular 4 \(2016\)](#) “Guidelines on the Importation of Plants, Planting Materials and Plant Products for Commercial Purposes” and its supplemental [Memorandum Order 28 \(2019\)](#). These implementing regulations were issued in an attempt to align Philippine import requirements with the relevant international phytosanitary guidelines promulgated by the International Plant Protection Convention (IPPC).

BPI categorized milled rice as Category 2 under IPPC guidelines. These are commodities processed to the point where the commodity remains capable of being infested with some quarantine pests and whose intended use may be for consumption or further processing and thus require an SPSIC and Phytosanitary Certificate (PC) and may require a Pest Risk Analysis.

Prior to application of an SPSIC for importation of rice, an applicant needs to be registered first as an importer. If the importer will import a particular product more than once, they will be required to register as an importer of said products and will be given access to the online application of Sanitary and

Phytosanitary Import Clearance (SPSIC) known as [Inter-Commerce](#). Note: “registered importer” was the previous term used for accredited importers; currently, the term “licensed importer” is used.

To obtain a License to Operate (LTO), an interested importer must submit the following requirements to the NPQSD Central Office:

1. Notarized Application form for Registration
2. Current Mayor’s Permit or Business Permit (CTC)
3. Proof of Business Establishment:
  - For Corporation: SEC Registration, Articles of Incorporation and By-Laws (with Cert. of Good Standing)
  - For Cooperatives: CDA Registration, Articles of Cooperation and By-Laws (with Cert. of Good Standing/Cert. of Compliance)
  - For Single Proprietorship: DTI Registration
  - For PEZA Special Economic Zone: PEZA Registration
4. Proof of Existence and Authority to use Storage/Warehouse (if applicable) or DA Accredited Cold Storage Warehouse (with DA Cert. of Accreditation) as follows:
  - Proof of Ownership (OCT/TCT of Land in the name of importer or valid lease contract with OCT/TCT of lessor;
  - Physical Sketch and GPS of the exact location of the warehouse;
  - 5R pictures of the warehouse with dated newspaper
  - For rice importers: Distribution areas for the imported rice
5. Updated and Current Registration with BOC Registration of Importer and/or authorized Broker
6. Special Power of Attorney with two 2×2 ID picture for Representatives (max. of 3 representatives)
7. Annual Income Tax Return with Audited Financial Statement of the owner/importer for the last 3 years

The list of [licensed importers](#) and [import procedures](#) are available at the BPI website.

The importer shall file with the PQS a duly accomplished Application for Inspection at least twenty-four (24) hours prior to arrival of the consignment. The following documents shall be submitted:

1. Phytosanitary Certificate (original FAO/IPPC Model) issued by the PQ of the country of origin;
2. SPSIC (original copy) issued by PQS
3. Bill of lading/airway bill;
4. Inward cargo manifest and Bureau of Customs (BOC) entry declaration (photocopy)

In the absence of a PQC/SPSIC or Phytosanitary Certificate (PC), the consignment shall be held under BOC custody or transferred (upon importer’s request) to PQS custody until such documents are presented. In the absence of both PQC/SPSIC and PC, the consignment shall either be returned to the country of origin or re-exported to another accepting country or destroyed.

**SPSIC Validity Periods, Conditions, and Requirements:** [Memorandum Order 38 \(2020\)](#) supplemented Memorandum Circular 28 (2019) and set a must-ship out date at 20 days from approval of the SPSIC. It also required a must-arrive date within 35 days of approval if from ASEAN, except Burma, and within 65 days if from Burma or any other country outside ASEAN. [Memorandum Circular 43 \(2020\)](#) extended the must-arrive date for rice. It states that shipments from ASEAN countries, except Burma, should arrive in the country within 60 days of the SPSIC issuance. Shipments coming from Burma and other non-ASEAN countries should arrive within 90 days of the SPSIC issuance.

SPSICs for rice also contain the following conditions and requirements.

Import Conditions:

- 1) *This shipment shall be accompanied by a Phytosanitary Certificate issued by a duly authorized Plant Quarantine Officer of the country of origin and must be absolutely free from soil.*
- 2) *Immediately upon arrival of sail plant materials at the port of entry they are to be turned over to the Plant Quarantine Service for inspection.*
- 3) *None of the above-described plant materials may be released at the port of entry unless cleared by the Plant Quarantine Officer thereat.*
- 4) *If the plant materials are found upon inspection to be infested with pests or infected with any plant disease so that they can be phytosanitized by any treatment available, they may be destroyed, and such destruction can not be made the basis of claim for damages against the Bureau of Plant Industry*
- 5) *Corresponding fees for inspection, treatment, etc. shall be paid by the importer prior to release of said plant materials.*

Other Conditions/Requirements:

**PRE-SHIPMENT REQUIRMENTS:**

- 1) *Fumigate milled rice with Phosphine at 2g.m<sup>3</sup> for 120 hours or 9g/m<sup>3</sup> for 72 hours at 28°C or any alternative fumigation regime acceptable to NPPO. Such treatment must be stated in the accompanying Phytosanitary Certificate.*
- 2) *Each shipment should have a Non-GMO Certification*
- 3) *Each shipment should be tested for heavy metals such as Arsenic, Lead, and Cadmium. A Certificate of Analysis for heavy metals issued by an NPPO accredited for heavy metals should accompany each shipment.*
- 4) *The SPSIC/PQC number should be indicated in the accompanying Phytosanitary Certificate.*

**POST-SHIPMENT REQUIRMENTS:**

- 1) *Samples to be taken from consignment for laboratory inspection.*
- 2) *Grains shall be released only after physical examination, treatment if necessary.*
- 3) *Each shipment should have a Non-GMO certification.*
- 4) *All shipments covered by this SPSIC must arrive not later than sixty (60) days from the date issued of the SPSIC.*

**Customs Clearance Procedures:** The Formal Entry Process refers to the cargo clearance process for imported shipments considered to be of commercial nature. [Customs Administrative Order \(CAO\) 09-2020](#) applies to all imports, including rice, covered by goods declaration for consumption through a formal entry process, whether or not subject to duties and taxes. The order implements relevant sections of the Customs Modernization and Tariff Act (CMTA).

Imported goods are deemed “entered” for consumption when the goods declaration is electronically lodged, together with any required supporting documents, in the Bureau of Customs (BOC) electronic cargo clearance system portal. For rice, in addition to the required documents listed in Section 4.7 (i.e., as the Supplementary Declared Value Form, Bill of Lading or Airway Bill, Commercial Invoice, Packing List) the following supporting documents are required:

- a) Sanitary and Phytosanitary Import Clearance
- b) Authority to Release Imported Goods
- c) Certificate of Origin (for various Free Trade Agreements)
- d) Load Port Survey Report or Discharge Port Survey Report for Bulk or Break-Bulk Shipments

**Changing Regulatory Practices and Current Uncertainty:** In January 2022, BPI generally stopped approving SPSICs for rice. Consequently, BOC had no legal authority to clear rice imports once SPSICs issued as late as December 2021 had all expired by the end of March 2022. In turn, BOC issued [Memo 137-2022](#) on April 20, 2022, which created a “**letter of validation**” that BPI should issue when it failed to approve a complete SPSIC application within seven days. Then following the Presidential election and change of leadership in mid-2022, BPI stopped issuing the letter of validation, deeming it unnecessary. However, BOC issued no corresponding memo to supplement or replace Memo 137-2022 to guide BOC officials on how to clear rice shipment that still lacked approved SPSICs. According to official and industry contacts, officials have shown willingness to work with importers in recent months to facilitate trade, though many importers remain uneasy amidst the current legal ambiguity. Meanwhile and adding to the confusion, according to [BPI-NPQS](#) records, BPI counts SPSICs that were never issued as used when the corresponding shipment for the pending SPSIC application arrives in the Philippines.

SPSIC Issued and Volume Applied for Rice per Month (2022)

Month	SPSIC Issued	Volume Applied
January		
February		
March		
April		
May		
June	448	625,743.600
July		
August		
September		
October		
November		
December		
<b>TOTAL:</b>	<b>448</b>	<b>625,743.600</b>

2022		
Month	SPSIC/Permit Used	Volume Arrived (MT)
January	415	280,405.712
February	359	290,491.278
March	531	429,866.180
April	217	190,128.267
May	252	316,604.350
June	362	427,480.750
July	485	404,366.600
August	513	433,454.000
September	251	262,701.246
October	225	214,198.375
November	330	276,827.225
December	362	299,714.868
<b>TOTAL:</b>	<b>4,302</b>	<b>3,826,238.851</b>

\*SPSIC - Issued is from June 6, 2022

**Pre-Packed Rice:** Pre-packaged products, including [pre-packed rice](#), is under the regulatory oversight of the Philippine Food and Drug Administration (FDA). Such products must have a Certificate of Product Registration (CPR) from FDA. A licensed importer must also submit a Certificate of Analysis for Iron based on [Republic Act 8976](#) & Implementing Rules and Regulation of RA 8976 or current FDA regulations. Please refer to the USDA FAS Philippines [Food and Agriculture Import Regulations and Standards Report](#) for information on how importers obtain an LTO and CPR from the FDA.

**Philippine National Standards:** The Bureau of Agriculture Fisheries Standards (BAFS) under the DA was first established in 1997 as provided for by Republic Act No. 8435 or the [Agriculture and Fisheries Modernization Act](#). Its major duties include formulating and enforcing standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of fresh and primary agricultural and fisheries product. In 2019, the Philippine National Standard (PNS) - Grading and Classification - [Paddy and Milled Rice](#) was developed by the BAFS at the request of the NFA. Its use remains voluntary.

**Tariffs and Other Duties:** [Executive Order No. 10, s. 2022](#), extended the temporarily lowered MFN tariff rate of 35 percent, which keeps it at parity with ASEAN, through December 31, 2023. Rice tariff rates are also available via the Philippine Tariff Commission's [website](#).

#### **Philippine Government Regulatory Agency Contacts:**

DA Bureau of Plant Industry  
National Plant Quarantine Services Division  
Phone: (632) 8251-2262; (63)9563642052 and (63)9289768239  
E-mail Address: [pqsmpi@gmail.com](mailto:pqsmpi@gmail.com) and [npqsd.bpi@buplant.da.gov.ph](mailto:npqsd.bpi@buplant.da.gov.ph)

Bureau of Customs  
Department of Finance  
G/F OCOM Building, 16th Street,  
South Harbor, Port Area, Manila  
Customer Assistance & Response Service (BOC-Cares)  
Telephone: (02) 87056000  
Email: [boc.cares@customs.gov.ph](mailto:boc.cares@customs.gov.ph)

#### **Attachments:**

No Attachments.