

EXECUTIVE ORDER NO. 438

IMPOSING AN ADDITIONAL DUTY OF FIVE PERCENT (5%) AD VALOREM ON ALL IMPORTED ARTICLES SUBJECT TO CERTAIN EXCEPTIONS AND CONDITIONS

Pursuant to the powers vested in me by Section 401 of the Tariff and Customs Code of the Philippines, as amended, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. *Imposition of Additional Duty.* Except as herein specifically provided, there shall be levied, collected and paid, in addition to any other duties, taxes and charges imposed by law on all articles imported into the Philippines, an additional duty of five percent (5%) ad valorem.

SEC. 2. *Importations Exempt Under Existing Laws.* The additional duty of five percent (5%) ad valorem shall also be levied, collected and paid on imported articles which are exempt under existing laws, except as provided in Section 3 hereof. In case of importation of articles which are exempt in part, the five percent (5%) additional duty shall be added to the non-exempt portion.

SEC. 3. *Exempt Importations.* The imported articles exempt from the additional duty of five percent (5%) ad valorem imposed in this Executive Order are as follows:

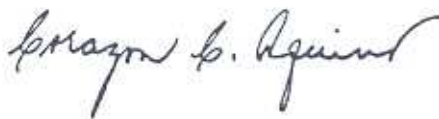
- a. Those conferred by effective international agreements to which the Government of the Republic of the Philippines is a signatory;
- b. Those of the diplomatic corps or for the official use of foreign embassies under the provisions of paragraph (k), Section 105 of the Tariff and Customs Code of the Philippines, as amended;
- c. Those of bonded manufacturing warehouses under the provisions of Section 2002, Presidential Decree No. 1464, as amended;
- d. Those of bonded smelting warehouses under the provisions of Section 2005, Presidential Decree No. 1464, as amended;
- e. Those of enterprises or firms registered with the Export Processing Zone Authority pursuant to Presidential Decree No. 66, as amended;

- f. Those of enterprises or firms registered with the Philippine Veterans Investment and Development Corporation (PHIVIDEC) Authority pursuant to Presidential Decree No. 538, as amended;
- g. Those released under bond under Section 105 of the Tariff and Customs Code, as amended; and,
- h. Those covered by Republic Act No. 6647, entitled: "An Act Further Restructuring The Import Duty Rates And Classification Of Certain Articles Under Section 104 Of The Tariff And Customs Code Of 1978 (PD 1464), As Amended".

SEC. 4. *Repealing Clause.* All executive orders, rules or regulations or parts thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SEC. 5. *Effectivity.* This Executive Order shall take effect after ten (10) days following the completion of its publication in two (2) national newspapers of general circulation, and shall remain effective until June 30, 1992, or unless sooner revoked or modified.

DONE in the City of Manila, this 27th day of November, in the year of Our Lord, nineteen hundred and ninety.



By the President:



CATALINO MACARAIG, JR.
Executive Secretary