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**MALACAÑANG**  
**Manila**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 852**

**MODIFYING THE RATES OF DUTY ON CERTAIN IMPORTED ARTICLES  
AS PROVIDED UNDER THE TARIFF AND CUSTOMS CODE OF 1978,  
AS AMENDED IN ORDER TO IMPLEMENT THE COMMITMENTS  
UNDER THE TRADE IN GOODS CHAPTER OF THE AGREEMENT ON  
COMPREHENSIVE ECONOMIC PARTNERSHIP AMONG MEMBER  
STATES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS  
AND JAPAN**

**WHEREAS**, the Agreement on Comprehensive Economic Partnership among Members of the Association of Southeast Asian Nations and Japan (AJCEPA) was signed by the Economic Ministers of the ASEAN and Japan on 14 April 2008;

**WHEREAS**, Parties to the AJCEPA share the view that the Agreement will strengthen economic ties, create a larger and more efficient market, provide greater opportunities and larger economies of scale, and enhance attractiveness to capital and talent, for the Parties mutual benefit;

**WHEREAS**, the President of the Philippines ratified the AJCEPA on 24 December 2008;

**WHEREAS**, pursuant to Paragraph 1, Article 79 of the AJCEPA, the Agreement entered into force on 01 December 2008 with the notifications of the completion of the legal procedures by the Governments of Japan and at least one (1) ASEAN Member State;

**WHEREAS**, in relation to the Philippines, pursuant to Paragraph 2, Article 79 of the AJCEPA, the Agreement shall enter into force on the first day of the second month following the date on which it makes notification of the completion of its legal procedures but the staging of tariff elimination or reduction shall commence on 01 December 2008;

**WHEREAS**, Paragraph 1, Article 16, of the AJCEPA provides that each Party shall, in accordance with its Schedule under Annex 1 of the Agreement, eliminate or reduce its customs duties on a non-discriminatory basis on originating goods of the other Parties;



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**WHEREAS**, Section 402 of the Tariff and Customs Code of 1978, as amended, empowers the President of the Republic of the Philippines, upon the recommendation of the National Economic and Development Authority (NEDA), to modify import duties for the promotion of foreign trade.

**NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

**SECTION 1.** The articles listed in the Annex (Articles Granted Concessions under the AJCEPA) hereof, and accompanied by Certificate of origin (CO) Form AJ, shall be subject to the rates of import duty as indicated in Columns 4 to 14 of said Annex.

**SECTION 2.** For Japan and ASEAN 9 (i.e. Brunei Darussalam, Cambodia, Indonesia, Lao Peoples Democratic Republic, Malaysia, Myanmar, Singapore, Thailand and Vietnam) the applicable rate shall be the AJCEPA preferential tariff, subject to the submission of the proper Certificate of Origin Form AJ. Pursuant to Section 1313(a) of the Tariff and Customs Code of the Philippines, as amended, the Tariff Commission may, upon request, issue tariff classification rulings to confirm the applicable rates of duty of particular products covered by this Executive Order.

**SECTION 3.** From the date of effectivity of this Executive Order, all articles listed in the Annex which are entered or withdrawn from warehouses in the Philippines for consumption shall be imposed the rates of duty therein prescribed subject to compliance with the Rules of Origin as provided for in Chapter 3 of the AJCEPA.

**SECTION 4.** Nothing in this Executive Order shall preclude the Philippines from invoking its right of recourse to all trade remedy measures provided for in its law, the AJCEPA and relevant international agreements as an effective device against import surges.

**SECTION 5.** The provisions of this Executive Order are hereby declared separable and in the event any such provision is declared invalid or unconstitutional, the other provisions, which are not affected thereby, remain in force and effect.

**SECTION 6.** Except for Executive Order No. 767, s. 2008, which remains in force and effect, all presidential issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby revoked or modified accordingly.



**SECTION 7.** This Executive Order shall take effect fifteen (15) days following its complete publication in the Official Gazette or in a national newspaper of general circulation.

**DONE** in the City of Manila, this 23<sup>rd</sup> day of December, in the year of Our Lord, Two Thousand and Nine.

*Gloria M. Arroyo*

By the President:



*E. Ermita*  
**EDUARDO R. ERMITA**  
Executive Secretary

