



Republic of the Philippines
Department of Agriculture
BUREAU OF ANIMAL INDUSTRY
5 Visayas Avenue, Barangay Vasra, Quezon City 1128

(+632)8528-2240 director@bai.gov.ph www.bai.gov.ph @bai.gov.ph

MEMORANDUM ORDER

No. 24
Series of 2024

SUBJECT : REVISED GUIDELINES IN THE ISSUANCE OF SHOW CAUSE ORDER AND ISSUANCE OF RESOLUTION FOR LOCAL SHIPMENT

To guide the veterinary quarantine stations on the issuance of BAI Show Cause Order relative to local shipment violations as provided in BAI Memorandum Circular No. 23 s.2020¹, the revised guidelines are hereby issued:

1. In cases of non compliance with any Department of Agriculture or Bureau of Animal Industry order, directive, regulation, or policy or law relative to the exercise of functions of the latter, a Notice of Violation (NOV)² shall be issued to the person or organization committing such violation specifying the act committed and the issuance or law violation;
2. The Regional Veterinary Quarantine Officer/Chief of Veterinary Quarantine Station will prepare and issue the Notice to Explain/Show Cause Order within 24 to 48 hours after the reported shipment violation was committed in its area of jurisdiction using the attached revised³ template;
3. Report should be supported by a written Incident Report (IR) from BAI-VQS or LGU along with supporting documents, preferably following the IR template provided in the BAI Memorandum Order no. 18 s.2020⁴;
4. The signed Notice to Explain/Show Cause Order should be sent to the shipper by means of his/her electronic mail address (preferred); registered mail to a physical address; or via the complainant LGU Office;
5. The scanned copy of the Notice to Explain/Show Cause Order and the Incident Report (IR) shall be uploaded and or submitted electronically by the RVQO to the BAI Director and NVQSD Central Office through this link bit.ly/BAIVQOREPORTINGPORTALV2.

¹ BAI Memorandum Circular No. 23 s.2020 - Supplementary Guidelines on Section 9 of DA Administrative Order No. 5 S.2019 entitled: Remedies/Penalty for Violation

² Annex "A" - Notice of Violation Template

³ Annex "B" - Revised Template of the Notice to Explain/ Show Cause Order

⁴ BAI Memorandum Order No. 18 s.2020 - Guidelines in Reporting Veterinary Quarantine Violations or Related Incidence





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6. The respondent shall be given fifteen (15) working days from the receipt of the Notice to Explain/Show Cause Order to submit a Verified Explanation/Answer signed by him/her or on behalf of the Organization concerned. Likewise, the respondent must include in the Answer his/her contact information and where he/she may be served with orders, resolutions or decisions, including an electronic mail address if available;
7. Within the period prescribed in the Show Cause Order, the respondent shall file his/her written explanations/answers, verified and under oath (notarized), citing the reason/s why he/she should not be penalized. The sworn written explanation should be submitted to the concerned Veterinary Quarantine Stations and copy furnished the NVQSD Central Office;

Should the respondent fail to file his/her answer within the prescribed period, the case shall be forwarded to the NVQSD Central Office and endorsed for resolution of the case based on the available documents.

8. Within seven (7) working days upon receipt of the verified explanation/answer of the respondent/s in the Show Cause Order issued by the Regional Veterinary Quarantine Officer/Chief Veterinary Quarantine Station (VQS)/ National Veterinary Quarantine Services Division (NVQS) Chief, the **trained paralegal/focal personnel** of the concerned Veterinary Quarantine Stations shall undertake the following:
 - a. Review and screen the verified explanation of respondent to show cause order;
 - b. Conduct further investigations and collate relevant material evidence, as necessary;
 - c. Prepare a draft endorsement of cases/violations to the BAI-Legal Unit with the prescribed ⁵template;
 - d. Comply with the required documents and comments of the BAI-Legal Unit, as necessary;
 - e. Maintain the case file records and update the electronic masterlist of violations of the respective station.
9. Duties of the NVQSD Central Office Focal Personnel/s:
 - a. Review and screen verified explanation of respondent to show cause order and other supporting documents related to the case/violations;

⁵ Annex "C" - Prescribed Template of the Memorandum of Endorsement to the BAI-Legal Unit





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- b. Legal review and endorsement of the case to the BAI-Legal Unit for the issuance of the final Resolution;
- c. Attendance and participation to the legal hearings conducted by the Bureau of Animal Industry-Legal Unit and the Department of Agriculture;
- d. Maintain the case file records and update the electronic masterlist of violations of the respective station.

10. The BAI Legal Unit shall conduct clarificatory hearing, whenever necessary and shall issue the Resolution within 15 working days based on the furnished documents and facts presented from the conduct of the clarificatory hearing. Subject to the basic requirements of due process, the procedure shall be summary in nature. Pertinent provisions of the Rules of Court and other applicable laws may, in the interest of expeditious justice, may be applied by analogy or in a suppletory manner.

11. The signed Resolution of the BAI Director should be sent to the shipper by means of his/her electronic mail address (preferred); registered mail to a physical address; or via the complainant LGU Office;

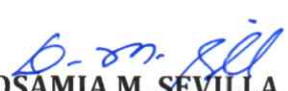

12. A case closure letter⁶ shall be issued by the NVQSD Chief or Regional Veterinary Quarantine Officer/Chief of Veterinary Quarantine Station (VQS) upon the compliance with the conditions in the Resolution/Decision Letter;

13. Details of the case and personal information of the respondents shall be handled according to the provisions of R.A. No. 10713 or the "2012 Data Privacy Act".

14. It must be emphasized that no penalties shall be imposed unless due process has been afforded to all the parties.

For your guidance and strict compliance.

Done this 13th of September 2024.


DIOSAMIA M. SEVILLA, MSc
Officer-In-Charge, Director 

⁶ Annex "D" - Case Closure Template





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ANNEX A. NOTICE OF VIOLATION TEMPLATE



Department of Agriculture
 BUREAU OF ANIMAL INDUSTRY
 NATIONAL VETERINARY QUARANTINE SERVICES DIVISION

Veterinary Quarantine Station Region _

Address

No. _____

Date _____

NOTICE OF VIOLATION

Commodity	:		
Quantity (unit)	:		
Shipper/Consignee	:		
Broker (if applicable)	:		
Address & contact number	:		
Date of arrival	:		
Origin	:	Destination	:
FOR IMPORTED		FOR LOCAL	
SPSIC Number	:	Livestock Handlers	:
Vessel & Bill of Lading No	:	License No	:
		Transport Carrier	:
		Registration No	:
Findings description (Attach evidence of violation)	:	<input checked="" type="checkbox"/> Accompanying Documents 1. Shipping Permit () Yes () No Issued by: _____ Date: _____ 2. Veterinary Health Certificate () Yes () No Issued by: _____ Date: _____ <input type="checkbox"/> Prohibited Products <input type="checkbox"/> In violation of DA _____ <input type="checkbox"/> Others: _____	
Remarks	:		
Action Taken	:		

RECEIVED/ACKNOWLEDGED BY:

(Shipper/Consignee)

Veterinary Quarantine Officer

RF NVQS - 79 NOTICE OF VIOLATION
 Rev. No. 60
 January 5, 2020



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ANNEX B. TEMPLATE OF SAMPLE SHOW CAUSE ORDER

Date

NAME OF SHIPPER

Address

Email Address:

SUBJECT: NOTICE TO EXPLAIN/ SHOW CAUSE ORDER NO. SC-2020-_____
(YYYY)-(VQS issuance no)

Dear **MR./MS.**_____:

This pertains to the Incident report on _____ referred to our Agency by the Name of Office (LGU) on (date report submitted).

According to the report: *specify summary of the Incident report*

List the violation/s example.

- Tampered Shipping Permit-** *you have presented a copy of the Shipping Permit (SP) No. 063876 issued on September 10, 2020 by VQS- XYZ, for **fifteen (15) heads** of goats **to Batanes and to any point in Luzon.** VQS XYZ's file or triplicate copy of the SP actually shows a quantity of five (5) heads of goats with Batanes as the sole destination address.*
- Fake Veterinary Health Certificate submitted in the online SP application-** *The Veterinary Health Certificate (ANNEX __) submitted by _____ FARM on October 13, 2020, bears the following information:*
 - VHC No.: 2020-_____
 - Date of issue: 13 October 2020.
 - Issued by Dr. _____
 - Concurred by Dr. _____
 - Dr. _____ *denied concurrence of VHC No. 2020-_____, she also said that the contact number listed in the VHC is not her number. Further, she confirmed that the signature of Dr. _____ was forged and that the email address listed is not his email address. She confirmed that the last recorded VHC concurrence numbers 2020-_____ to 2212 and that the latest series number for VHC concurrence of their office is now at 2020-77__.*



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Please be informed that the presentation of Tampered, Recycled or Fake documentation and Misdeclaration in the shipment were in violation of Section 8 of DA Administrative Order No. 5 s.2019. Falsification of the Veterinary Health Certificate and Shipping Permit is a serious offense under BAI Memorandum Circular No. 23 of 08 June 2020 and other regulations.

In view of the above, you are hereby given **FIFTEEN (15) DAYS** from receipt of this notice to submit a verified answer/explanation and SHOW CAUSE why we should not revoke or cancel the BAI-NVQSD Online Local Shipping Permit Issuance System (OLSPIS) account used in this transaction (For Online SP application violation), blacklist your name, suspend, revoke or cancel the BAI Transport Carrier Registration and Livestock Handlers License and take legal action against you for having **(indicate specific violation)**. You may submit the verified answer/explanation to the Veterinary Quarantine Station at **(indicate email address)** and copy furnish the NVQSD at nvqsd@bai.gov.ph.

Failure to submit your answer/explanation within the specified period shall be a waiver of your right to submit the same, and Bureau shall resolve the above issues on the basis of available documents.

After the conduct of an appropriate hearing, a Resolution will be issued. Your BAI-NVQSD (OLSPIS) account, Livestock Handlers license and BAI Transport Carriers Registration may be endorsed for suspension/revocation/cancellation contingent upon the decision in the Resolution. Livestock Handlers and Transport Carriers which have been suspended shall not be allowed to engage in any shipment of livestock, poultry or any of its by-products for six (6) months from the date of suspension.

Thank you for your usual support and cooperation.

Very truly yours,

NAME AND SIGNATURE OF RVQO/ CHIEF

Designation

Cc: **BAI Director**
NVQSD Central Office
Ms. Marites C. Gealone: mcgealone@gmail.com
LGU Office (PVO/CVO/MVO)





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ANNEX C. Prescribed Template of the Memorandum of Endorsement to the BAI-Legal Unit

Date

MEMORANDUM

TO : _____
BAI Legal Unit

FROM : **CHRISTIAN P. DAQUIGAN, DVM**
Officer-In-Charge, NVQSD Chief

Subject : **ENDORSEMENT OF THE VIOLATION OF _____ FOR LEGAL REVIEW AND REQUEST ASSISTANCE FOR THE ISSUANCE OF RESOLUTION**

FACTS

In the Incident Report no. 00000 dated August __, 2024, the VQS __ has provided the following—

(Provide details of the shipment/case/violation)

The Notice to Explain/Show Cause Order no. 000 dated August __, 2024 was issued to JUAN DELA CRUZ with the following findings:

In the Verified Answer of Mr. Juan Dela Cruz dated August __, 2024, he stated that—

1. A
2. A
3. A
4. A



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Masaganang Agrikultura, Maunlad na Ekonomiya



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Upon conducting an investigation, the following facts have been ascertained:

1. A
2. A
3. A
4. A

ISSUE

WHETHER TO CONSIDER THE REQUEST/APPEAL OF MR. JUAN DELA CRUZ
(Please indicate the specific issue)

RULES

FALSIFICATION OF SHIPPING DOCUMENTS FOR THE PURPOSE OF LOCAL TRANSPORT OF ANIMALS IN VIOLATION OF SECTION 8 OF DA ADMINISTRATIVE ORDER NO. 5, SERIES OF 2019 AND ARTICLE 172 OF THE REVISED PENAL CODE AND ARTICLE 172 OF THE REVISED PENAL CODE.

(Indicate the specific provision of DA-AO 5 or other related issuance that the shipper has violated)

RECOMMENDATION

(Kindly provide your initial recommendation/assessment based on the facts and documents presented by the shipper/respondent.)



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Date

Name of Shipper

Address

Email address

Contact No.

**SUBJECT: CASE CLOSURE NO ____: RESOLUTION ON
NOTICE TO EXPLAIN/SHOW CAUSE ORDER**

Dear Mr. / Ms. _____,

This acknowledges your NOTARIZED AFFIDAVIT OF UNDERTAKING dated _____, in compliance with the Resolution on Notice to Explain / Show Cause Order No. _____.

We note your commitment to preventing similar errors and incidents and that any similar violations shall be your responsibility. Having satisfied the condition of the RESOLUTION, the temporary suspension on your local Shipping Permit application, Transport Carrier Registration and Livestock Handlers License is **hereby lifted effective this day.**

Nevertheless, we would like to inform you that this serves as your **FINAL WARNING** and that repetition of the same without adequate justification will be dealt with accordingly.

Thank you.

Very truly yours,

NAME AND SIGNATURE OF RVQO/ CHIEF

Designation

cc: BAI Director
NVQSD Central Office
Ms. Marites C. Gealone: mcgealone@gmail.com
LGU Office (PVO/CVO/MVO)



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