

MFN 10675

EXECUTIVE ORDER NO. 155

CREATING AN ANTI-SMUGGLING INTELLIGENCE AND INVESTIGATION CENTER TO INVESTIGATE AND INTERDICT SMUGGLING AND OTHER ACTS CONTRARY TO THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES COMMITTED ON A LARGE SCALE OR BY CRIMINAL SYNDICATES AND FOR OTHER PURPOSES

WHEREAS, smuggling and other acts contrary to customs laws committed on a large scale or by criminal syndicates pose a serious and direct threat to the national economy by depriving the Government of much-needed revenues and unfairly competing with legitimate businesses, and to the national security through the introduction into the country of dangerous drugs or prohibited articles;

WHEREAS, there is an urgent need for a body which shall be primarily responsible for the investigation and interdiction of smuggling and other acts contrary to customs laws, committed on a large scale or by criminal syndicates;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize the administrative structure of the Office of the President.

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. Creation. - There is hereby created an Anti-Smuggling Intelligence and Investigation Center, hereinafter referred to as the Center, under the supervision and control of the Office of the President.

SECTION 2. Mandate. - The Center shall be primarily responsible for the investigation and interdiction of all acts contrary to the Tariff and Customs Code of the Philippines (Republic Act [R.A.] No. 1937), as amended, committed on a large scale or by criminal syndicates.

For purposes of determining the responsibility of the Center:

- a. Acts contrary to R.A. No. 1937, as amended, shall be deemed to be committed on a large scale when these acts involve the importation of goods or contraband with a determinable value of at least Five Million Pesos (P5,000,000.00); and



- b. Acts contrary to R.A. No. 1937, as amended, shall be deemed to be committed by a syndicate when carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out these unlawful acts.

SECTION 3. Composition. – The Center shall be composed of elements from the following:

- a. Presidential Security Group;
- b. Intelligence Service, Armed Forces of the Philippines;
- c. Bureau of Customs (BOC);
- d. Philippine National Police;
- e. Philippine Coast Guard; and
- f. Department of Justice (DOJ).

If necessary, the Center shall be augmented by other elements of the Philippine Army, Philippine Air Force, Philippine Navy and the National Intelligence Coordinating Agency.

SECTION 4. Organization. – The Center shall be headed by a Chief who shall be appointed by the President of the Republic of the Philippines. The Center shall formulate and adopt an organizational structure and staffing pattern subject to the approval of the Department of Budget and Management (DBM) and the Cabinet Oversight Committee herein created.

SECTION 5. Functions. – The Center shall perform the following functions in accordance with its mandate to investigate and interdict all acts contrary to R.A. No. 1937, as amended, committed on a large scale or by criminal syndicates:

- a. Investigate complaints or allegations of smuggling or other acts contrary to R.A. No. 1937;
- b. Conduct intelligence operations in the effort to detect smuggling or other acts contrary to R.A. No. 1937;
- c. Exercise the powers of search and seizure under R.A. No. 1937, as amended, for the enforcement of tariff and customs laws pursuant to the special written authorization issued by the Commissioner of Customs;
- d. Assist in the administrative seizure proceedings involving the articles seized;
- e. Arrest, pursuant to a warrant of arrest or in accordance with the rules governing lawful warrantless arrests, the



perpetrators of smuggling or other acts contrary to R.A. No. 1937, as amended;

- f. Refer the investigation of crimes not within its mandate to the appropriate law enforcement agency;
- g. Commence and/or assist in the prosecution of criminal actions against the perpetrators of smuggling or other acts contrary to R.A. No. 1937; and
- h. Perform such other functions as the President may direct.

SECTION 6. *Deputation and Authorization.* – The Commissioner of Customs shall deputize and issue special written authorizations to the members of the Center as agents of the BOC for the exercise of the powers of search and seizure under Title VI of R.A. No. 1937, as amended, and such other powers and functions of the BOC as may be necessary for the effective performance of their functions.

SECTION 7. *Special Pool of Hearing Officers.* – The BOC shall organize a special pool of hearing officers to expedite administrative seizure proceedings referred to it by the Center. The hearing officers shall perform the following functions:

- a. Receive requests for the issuance of Warrants of Seizure and Detention, evaluate the evidence of the Center and make a report of his findings and recommendations to the Collector of Customs.

The Collector of Customs shall, in accordance with R.A. No. 1937 and applicable customs administrative orders, issue a Warrant of Seizure and Detention upon probable cause that the seized articles were imported or attempted to be exported contrary to tariff and customs laws.

- b. Conduct the formal hearings of the seizure proceeding and make a report of his findings and recommendations to the Collector of Customs.

The Collector of Customs shall, in accordance with R.A. No. 1937, make a declaration of forfeiture in writing or fix the amount of fine or take such other action as may be proper.

SECTION 8. *Special Team of Prosecutors.* – The DOJ shall organize a special team of prosecutors to expedite criminal actions for smuggling or other acts contrary to R.A. No. 1937 and other applicable



laws referred to it by the Center. The prosecutors shall perform the following functions:

- a. In accordance with the Revised Rules of Criminal Procedure, conduct preliminary investigations or inquests to determine whether there is sufficient ground to engender a well-founded belief that a violation of R.A. No. 1937 and other applicable laws have been committed and the respondent(s) is(are) probably guilty thereof, and should be held for trial; and
- b. Prosecute criminal actions for violations of R.A. No. 1937 and other applicable laws commenced by the Center.

SECTION 9. *Funding.* – Funds for the operation of the Center shall be sourced from the Office of the President and such other funding sources as may be recommended by the DBM. Thereafter, appropriations for the succeeding years shall be included in the budget proposal of the Office of the President.

SECTION 10. *Coordinating Instructions.* – Close coordination and cooperation shall be undertaken by the Center and other concerned agencies to ensure the effective and efficient implementation of the overall anti-smuggling campaign.

SECTION 11. *Cabinet Oversight Committee.* – To assist the President in the exercise of supervision and control over the Center, a Cabinet Oversight Committee on Anti-Smuggling (“Oversight Committee”) is hereby established, composed of the following:

Secretary of Finance	Chairman
Secretary of Justice	Member
Secretary of National Defense	Member
Secretary of the Interior and Local Government	Member
Secretary of Transportation and Communications	Member

The Oversight Committee shall be assisted by a Secretariat to be headed by an Executive Director who shall be appointed by the President.

SECTION 12. *Implementing Rules and Regulations.* – The Center shall prepare the implementing rules and regulations for this Executive Order in coordination with the Bureau of Customs and other appropriate agencies for approval by the Oversight Committee.

SECTION 13. *Repeal.* – All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.



SECTION 14. Effectivity. - This Executive Order shall take effect immediately upon approval.

City of Manila, **DEC 11 2002**

Marroyo



By the President:

Alberto G. Romulo
ALBERTO G. ROMULO
Executive Secretary



SEP 2 2002

