

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 384

EMPOWERING A SENIOR OFFICIAL OF THE SUBIC BAY METROPOLITAN
AUTHORITY TO COMBAT VIOLATIONS OF CUSTOMS LAWS
AT THE SBMA AREA

WHEREAS, the development of Subic and Clark as the best logistics hub in the region is one of the ten points of the legacy agenda of the Administration;

WHEREAS, large-scale smuggling and frauds upon customs and other related practices undermine the economy and national security;

WHEREAS, the prevention and suppression of smuggling and other related practices against customs laws at the Subic Bay Freeport and all areas under the jurisdiction of the Subic Bay Metropolitan Authority (SBMA) is one of the urgent concerns of the Administration;

WHEREAS, the empowerment of a Senior SBMA Official to combat violations of customs laws at the SBMA area is necessary to effectively counteract this form of economic sabotage, strengthen the system of enforcing revenue laws, and hasten the realization of one of the 10-point agenda:

WHEREAS, the Administrative Code of 1987 vests the President with the continuing authority to reorganize the Office of the President and to transfer functions of one department or agency to another;

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

SECTION 1. EMPOWERMENT OF SENIOR SBMA OFFICIAL. The President shall designate a Senior SBMA official to combat smuggling, unlawful importations, and other frauds upon customs laws committed at the Subic Special Economic and Freeport Zone (SSEFZ) area. He shall be recognized as the SBMA Director for Anti-Smuggling.

SECTION 2. DETAIL OF PERSONNEL. The SBMA Director for Anti-Smuggling is hereby authorized to obtain the detail to him of personnel from the Intelligence Service Armed Forces of the Philippines, the Armed Forces of the Philippines, and the Philippine National Police. He is likewise authorized to obtain augmentation of personnel from the



Bureau of Customs and the Department of Justice for the issuance of warrants of seizure and detention, investigation and prosecution. He shall designate his deputy.

SECTION 3. POWER AND FUNCTIONS. The SBMA Director for Anti-Smuggling shall have the following powers and functions:

1. Prepare and implement appropriate and effective measures to prevent and suppress large-scale smuggling and other prohibited and unlawful importations at the SSEFZ area.
2. Effect, subject to applicable laws, searches, seizures and arrests, and file administrative and criminal cases conformably with the provisions of the Tariff and Customs Code of the Philippines, as amended, pertinent provisions of the Revised Penal Code, as amended, and the Rules of Criminal Procedure.
3. Conduct intelligence and counterintelligence operations, including the monitoring of situation, circumstances, and activities of individuals, groups and entities who are involved in or who are reasonably believed to be behind smuggling activities.
4. Select and recruit personnel from the SBMA, and officers, enlisted personnel and civilian agents from the AFP, the PNP and the Coast Guard as well as Customs and DOJ personnel who will be on detail with him.
5. Enlist the assistance of any department, bureau, office or agency of the government to carry out its functions, including the use of their personnel, facilities and other resources.
6. Conduct verification with the Bureau of Customs of all documents pertaining to the importation and the payment of duties and taxes of all imported articles.
7. Perform such functions and carry such activities as may be directed by the President.

SECTION 4. SPECIAL PROSECUTORS. To assist the SBMA Director for Anti-Smuggling in the expeditious prosecution of criminal and other cases involving large-scale smuggling and customs fraud, DOJ lawyers shall be placed on detail with the SBMA Director for Anti-Smuggling as the need arises.

SECTION 5. AUTHORIZATION. The Commissioner of Customs or his authorized representative shall, if necessary, issue such authorization and orders required under the Tariff and Customs Code for all purposes relevant to the effective exercise and performance of the powers and functions of the SBMA Director for Anti-Smuggling.

SECTION 6. FUNDING. Subject to the usual audit, the SBMA Director for Anti-Smuggling shall be provided with an allocation to be determined by the Chairman of the SBMA, to be sourced from the SBMA.

SECTION 7. OPERATING GUIDELINES. The SBMA Director for Anti-Smuggling shall adopt, in coordination with customs law enforcement agencies, such operating guidelines as may be necessary to implement this Executive Order. He shall submit to the SBMA Chairman reports of his activities with appropriate recommendations for the information and guidance of the SBMA Chairman.



SECTION 8. COORDINATING INSTRUCTIONS. Close coordination and cooperation shall be undertaken by the SBMA Director for Anti-Smuggling with the Bureau of Customs, Philippine Ports Authority, ISAFP, NICA, AFP, PNP, BIR, LTO, Philippine Coast Guard, SBMA, and all other agencies which may be involved in carrying out the mission and functions of the SBMA Director for Anti-Smuggling.

SECTION 9. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY. This Executive order shall take effect immediately upon its publication in a newspaper of national circulation.

Done, in the City of Manila, this 8th day of November, in the year of our Lord, Two Thousand and Four.

Gloria Arroyo



By the President:

Eduardo R. Ermita

EDUARDO R. ERMITA
Executive Secretary

