

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 624

CREATING THE PRESIDENTIAL ANTI-SMUGGLING GROUP TO APPREHEND, SEIZE, INVESTIGATE AND PROSECUTE ACTS INVOLVING SMUGGLING, UNLAWFUL IMPORTATION AND OTHER SIMILAR VIOLATIONS, AND PROVIDING MEASURES TO CURTAIL SMUGGLING AND EXPEDITE SEIZURE PROCEEDINGS

WHEREAS, smuggling, unlawful importation and other similar violations continue to undermine the national interest and security;

WHEREAS, the prevention of smuggling and other related fraudulent practices against existing laws is one of the urgent concerns of the administration, an essential requirement in fact, for the success of the government's economic reforms;

WHEREAS, the creation of a presidential body directly mandated and empowered to investigate and prosecute smuggling and other unlawful importation is necessary to effectively counteract this form of activities which are inimical to the economy;

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

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 of Presidential Anti-Smuggling Group.* – There is hereby created a Presidential Anti-Smuggling Group (PASG), under the control and supervision of the Office of the President, principally to curtail smuggling, unlawful importation and other similar acts.

Section 2. *Composition.* – The PASG shall be composed of elements from the Philippine National Police (PNP), Philippine Coast Guard (PCG), National Food Authority (NFA), Philippine Maritime Authority (MARINA), Philippine Ports Authority



(PPA), Philippine Navy (PN), Bureau of Food and Drugs (BFAD), and Bureau of Customs (BOC), as well as from other government agencies that may be needed by the PASG in the performance of its functions, as determined by the Head of PASG.

The PASG shall be headed by a Presidential Assistant for Anti-Smuggling (with the rank, of Undersecretary) to be appointed by the President. He shall be assisted by an Assistant Secretary to be appointed by the President, upon recommendation of the Head of PASG.

Section 3. *Scope/Jurisdiction.* – The operation of the PASG in the performance of its functions is nationwide in scope.

Section 4. *Powers and Functions.* – The PASG shall have the following powers and functions:

1. To adopt appropriate measures in preventing smuggling and other similar acts in violation of existing laws;
2. To effect searches, seizures and arrests in conformity with the provisions of the Tariff and Customs Code of the Philippines, as amended, and other related laws;
3. To conduct intelligence and counter-intelligence activities on smuggling and other unlawful importation, to include but not limited to, the monitoring of situations, circumstances and/or activities of individual, groups and entities who are reasonably believed to be involved in smuggling activities;
4. To enlist the assistance of any department, bureau, office or agency or any instrumentality of the government, principally from the government agencies mentioned in Section 2 of this Executive Order, including government-owned or controlled corporations, to carry out its functions, including the use of their respective personnel, facilities and resources if necessary;
5. To select and recruit personnel from the government agencies mentioned in Section 2 of this Executive Order, for assignment to the PASG, with the conformity of the respective agencies concerned, which should not at any time be unreasonably denied;
6. To secure copies of documents pertaining to the nature and particulars of the commodity or goods subject of importation, i.e. quantity or volume, technical or qualitative specifications, port of destination/estimated date of arrival in the Philippines, among others, from government agencies concerned, including but not limited to the BOC and the Bureau of Import Services, and also from non-government sources like pre-shipment



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companies at the port of origin, and commercial banks in accordance with existing laws, rules and regulations;

7. To conduct verification with the BOC of documents pertaining to payment of duties and taxes of imported commodities and goods;
8. To inspect warehouses where seized commodities are stored to ensure that such commodities are not being ferreted out or removed without proper documentation; and
9. To suppress and prevent all other economic frauds, as may be directed by the President.

Section 5. Acts Covered. – The PASG shall be authorized and empowered to exercise its functions in any or all acts involving the following:

- a) Smuggling, illegal importation and customs fraud or other similar acts committed by any individual, groups or any juridical person or entity; and
- b) Other cases of violations of the Tariff and Customs Code, as amended, and related laws, pertinent provisions of the Revised Penal Code, as amended, as well as violations of other pertinent laws, rules and regulations.

Section 6. Organizational Support. – The PASG shall organize the technical, administrative and special services staffs from among the personnel assigned or detailed to it pursuant to Section 2 hereof, and assign their respective functions.

Section 7. Special Team of Prosecutors. – To assist the PASG in the expeditious prosecution of criminal and other cases covered under this Executive Order, a Special Team of Prosecutors (Team) from the Department of Justice shall be assigned to and be under the supervision of the PASG. The Team shall have the following powers and duties:

1. To evaluate evidence gathered by the PASG and to determine whether or not violation of the Tariff and Customs Code, as amended, other related laws and regulations, and/or pertinent provisions of the Revised Penal Code, as amended, among others, has been committed;
2. To initiate and conduct preliminary investigations and to file and prosecute the appropriate administrative and criminal charges against person(s) responsible for smuggling and violation of customs laws or other related laws and regulations; and
3. The PASG is authorized to apply for the issuance of search warrant, warrant of seizure and detention in appropriate cases and institute the necessary criminal, administrative and/or civil action in relation thereto.



The Team will be selected and recruited in accordance with the provisions of paragraphs 4 and 5, Section 4 of this Executive Order.

Section 8. *Entitlement and Privileges.* – In view of the sensitive nature of their functions as herein provided, the members of the Special Team of Prosecutors shall be entitled to transportation, accommodation and per diems when performing their functions outside of the PASG in accordance with existing laws, rules and regulations.

They shall also be entitled to hazard pay/monthly allowance of Five Thousand Pesos (P5,000.00) to be drawn from the budget of the PASG.

Section 9. *Funding.* – Subject to the periodic audit by the Commission on Audit, the PASG shall be provided with an initial annual allocation of Fifty Million Pesos (P50 Million) to be drawn from the President's Contingency Fund and/or from government's savings. Thereafter, appropriations for the succeeding years shall be incorporated in the annual budget of the Office of the President.

Section 10. *Reporting.* – The Head of PASG shall submit to the Office of the President periodic reports of its activities and performance for the information and guidance of the President.

Section 11. *Repealing Clause.* – Executive Order No. 509 dated March 15, 2006 is hereby repealed. All other orders, issuances, rules and regulations, or parts thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

Section 12. *Effectivity.* – This Executive Order shall take effect immediately.

DONE in the City of Manila, this 21st day of May in the year of our Lord, Two Thousand Seven.



By the President:



EDUARDO R. ERMITA
Executive Secretary



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