



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

APR 21 1994

CUSTOMS MEMORANDUM ORDER
NO. 13-94

TO : The Deputy Commissioner of Customs, IEG
The District Collector of Customs
Service Chiefs: CIIS and ESS
And All Others Concerned

SUBJECT : Guidelines in the Conduct of and Parti-
cipation in Law Enforcement Activities
Outside Customs Zone by Customs Person-
nel and in the Issuance of Mission
Orders Pertaining Thereto.

I. OBJECTIVES

A. General

To promote a favorable business climate, one which is free from undue interference resulting from unauthorized or improperly conducted law enforcement activities.

B. Specific

- 1) To prevent unauthorized law enforcement operations outside customs zone.
- 2) To avoid duplication of efforts which may result when Bureau law enforcement units and other offices do not coordinate efforts or are not informed of each other's law enforcement activities.
- 3) To ensure that all law enforcement operations are done expeditiously in line with Bureau regulations/standard operating procedures and are undertaken in a manner involving the least inconvenience to the affected entities.

II. SCOPE

This Order shall cover all law enforcement activities undertaken solely or participated in by Bureau personnel and conducted outside the ports of entry, Customs Bonded Warehouses and other areas considered as customs zone to include:

1. Applications for and/or implementation of judicial search warrants;
2. Execution of Warrants of Seizure and Detention Outside Customs Areas/Zones.
3. Conduct of visitorial powers of the Commissioner of Customs pursuant to Section 2536 of the Tariff and Customs Code of the Philippines (TCCP), as amended.
4. Responding to the request for assistance from other government agencies in the application for and implementation of judicial search warrants and in general the conduct of anti-smuggling operations.

III. General Provisions

1. Prohibition. - No customs personnel shall engage in law enforcement activities defined in Section II hereof without the explicit written authority granted in accordance with this Customs Memorandum Order (CMO).

2. Authority to Issue Mission Orders (MO) for the Conduct of Law Enforcement Operations. - Only the following officials of this Bureau are authorized to approve application for the conduct of operations defined in this Order:

- a) The Commissioner of Customs
- b) The Deputy Commissioner of Customs, IEG
- c) The Service Chiefs: CIIS and ESS
- d) The District Collector of Customs

Requests from other Bureau offices and other government agencies must be coursed thru the said officials accordingly.

3) Application for the Issuance of a Mission Order. - Applications for the issuance of Mission Orders pursuant to this CMO must be filed with any of the officials mentioned in Section III.2 hereof. If the application is in response to the request of another government agency, it must be accompanied by a written request from the head of the agency or his duly authorized representative. The application must not be general in nature but must contain specific acts which constitute violation of the TCCP.

4) Evaluation of the Application. - Only operations which are likely to succeed in the sense that the evidences for the violation/s imputed are obtainable and there are no alibis/defenses which cannot be overcome shall be approved.

5) Authentication and Recording. - The duly signed MO shall be presented to a duly designated DUTY OFFICER at the Office of the Commissioner for the necessary Customs Seal and for logging in at the computer set up for the purpose. The DUTY OFFICER shall make himself available to affected entities and others concerned regarding query on the authenticity of any MO.

6) Format of MO and Computer File. - To the extent possible, the MO must conform in text and substance to the format of Annex "A" hereof.

Accordingly, the computer file must contain the following fields:

- a) Date of the MO
- b) Requesting Office
- c) Date and Number and Issuing Judge of a Judicial Search Warrant, if any
- d) Name of firm mentioned in the approved MO
- e) Address
- f) Contact Person
- g) Granting Authority
- h) Objectives of the MO

7) Team Composition. - To facilitate the conduct of the inventory and to ensure unity of efforts, the Team of the requesting unit shall be accompanied by a representative from the Formal Entry Division/Warehousing Assessment Division.

8) Period to Complete the MO. - The duly issued MO shall be valid for a period of fifteen (15) days unless a shorter period is specified. The Team must complete the mission within the validity date of the MO. In the event the mission cannot be completed in time, a report must be rendered to the official who issued the MO explaining the reason for the non-completion of the task and requesting for extension of the validity of the MO stating the new date within which the mission can be finally completed. In cases of missions undertaken pursuant to a judicial search warrant, the lifetime of the MO must be within the validity date of the approved search warrant.

9) Submission of Report. - The Team must submit a report to the issuing official within five (5) days from the completion of the mission.

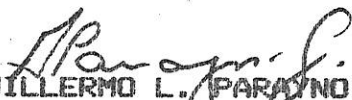
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A copy of the report duly received by the issuing official must be presented to the DUTY OFFICER for recording.

10) Progress and Final Report. - The official who issued the MO must render a weekly progress report to the Office of the Commissioner on the action taken on the Mission Order until a FINAL REPORT is rendered.

IV. All previous orders inconsistent with this CMO are hereby modified and amended accordingly.

V. This Order shall take effect immediately.


GUILLERMO L. PARAYNO, JR.
Commissioner

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