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CUSTOMS MEMORANDUM ORDER (CMO)

NO. 08-2021

SUBJECT: Guidelines on the Utilization of the National Customs Enforcement Network (NCEN) System of the World Customs Organization (WCO)

Introduction. This Order is issued pursuant to the mandate of Executive Order No. 836 series of 2009, as implemented by CAO No. 6-2009 and CMO No. 51-2009, to maintain a database of all smuggling cases and related data.

Section 1. Objectives.

- 1.1.** To establish a secured and comprehensive database of smuggling cases and related data;
- 1.2.** To implement a viable means of data collection;
- 1.3.** To establish the guidelines in the utilization of the NCEN, a system developed by the WCO to assist Customs administrations with the collection and storage of law-enforcement information on the national level; and
- 1.4.** To establish the roles of concerned BOC Offices in maintaining the NCEN.

Section 2. Definition of Terms.

- 2.1. Company Creator** – The user who can enter Company related cases in the NCEN and can submit these cases to be revised as needed by Reviewers and Validators.
- 2.2. Company Database** – Collected data on companies and offending business entities.
- 2.3. Database Download**- Authorized users can download the Access Database of all company related information which allows them to manipulate CEN data for analytical purpose.

- 2.4. Global CEN¹** – Global seizure database managed by the WCO Secretariat, contains non-nominal data.
- 2.5. Initiator** – The office that takes charge in safekeeping, monitoring and initial encoding of the case folder.
- 2.6. National Contact Point (NCP)**- The National Contact Point (NCP) role in the CEN is associated with additional functionality, namely allowing an NCP to have an overview of all users in his/her country, including the date of their last access and indication if their user account is active or inactive.
- 2.7. National Customs Enforcement Network (NCEN)²** – The system developed by the WCO to provide Customs Administrations the ability to collect, store, analyse and disseminate law-enforcement data effectively at the national level to establish robust intelligence capabilities, and enhance profiling on a strategic, tactical, and operational level.
- 2.8. Nominal Data** – Refers to data containing personal or sensitive personal information as defined by the Data Privacy Act of 2013.
- 2.9. Non-Nominal Data** – Data containing non-personal information.
- 2.10. Seizure Creator** – The user who can enter cases in the NCEN and can submit these cases to be revised as needed by Reviewers and Validators. Said user, including, but are not limited to CIIS or ESS personnel of the port.
- 2.11. Seizure Database** – Collected data on shipments seized based on issued WSD.
- 2.12. Seizure Reviewer** – The user who can review submitted cases in the NCEN. Submitted cases are viewable by other Reviewers and Validators. The Reviewer is responsible for reviewing, modifying, or editing the case data collected in a particular port. Said user, including, but are not limited to the Field Station Chief of CIIS or the District Commander of ESS of a port.
- 2.13. Seizure Validator** – The user who can view all the submitted cases and has the authority to send the case back to the Creator for redrafting. Once a case is validated by the Validator, it shall

¹ NCEN (WCO-OMD) User Guide Version 2.6.0 p. 4.

² NCEN (WCO-OMD) User Guide Version 2.6.0 p. 4.

be viewable to all NCEN Users with the proper access privileges. The Validator also acts as quality assurance before uploading cases to the Global CEN.

- 2.14. Suspect Creator** – The user who can create a new suspect case subject to the oversight of the Suspect Reviewer.
- 2.15. Suspect Database** – Collected data on ongoing investigations that may result to a seizure.
- 2.16. Suspect Reviewer** – The user who is responsible for reviewing, modifying, or editing suspect cases opened by the Suspect Creator. This user also has the authority to close or restore suspect cases.
- 2.17. Warrant of Seizure and Detention (WSD)³**- Refers to an order in writing issued by the District Collector's Office commanding to seize any property subject to forfeiture pursuant to Section 1113, Chapter 4. Title XI of the CMTA.

Section 3. Scope.

This Order covers the operational structure, roles, and procedures of the BOC offices in the inclusion of specific commodities, validation and viewing of these data in the NCEN.

Section 4. Roles of the BOC Offices.

- 4.1. Risk Management Office (RMO)** – Analyses the data in the NCEN, translates the risks identified to Selectivity Rules and/or recommend policies and programs to address the risks identified. This office can also act as Seizure creator/ reviewer, Suspect creator/ reviewer, and Company creator/ reviewer.
 - 4.1.1. Chief, Risk Management Office**- Acts as National Contact Point and Validator of both CEN and NCEN.
 - 4.1.2. Strategic Assessment Unit (SAU) Head and Analyst**- Acts as Validator of the CEN website.
 - 4.1.3. Research and Analysis Unit (RAU) Head and Analyst**- Oversees seizure and suspect list of the CEN website.

³ CMTA, Title XI, Chapter 4, Sec. No. 1117.

- 4.2. Management Information System and Technology Group (MISTG)**- Responsible for system upgrades, user account creation and coordination with NCEN Technical Experts pertaining to system upgrades or any system problems encountered and reported by the NCEN users.
- 4.3. Collection District** – District Collector’s Office or Law Division has the authority to issue WSD and assign the given case to either CIIS or ESS, depending on whoever is the Initiator. Also acts as seizure creator and reviewer.
- 4.4. Customs Intelligence and Investigation Service (CIIS)** – Responsible for creating and reviewing data on both seizure and suspect and ensures correct and extensive data input on both seizure and suspect cases.
 - 4.4.1. Field Stations** – Acts as creator and reviewer.
 - 4.4.2. Intellectual Property Rights Division (IPRD)** – Acts as creator and/or reviewer for both seizure and suspect cases.
 - 4.4.3. Intelligence Group Production (IG-Prod)** – Acts as creator and reviewer.
- 4.5. Enforcement and Security Service (ESS)** - Responsible for creating and reviewing data on both seizure and suspect and ensures correct and extensive data input on both seizure and suspect cases.
 - 4.5.1. District Offices** – Acts as creator and reviewer.
 - 4.5.2. Customs Anti-Illegal Drug Task Force (CAIDTF)** – Acts as suspect creator and reviewer, and seizure reviewer.
 - 4.5.3. Environmental Protection and Compliance Division (EPCD)** – Acts as suspect creator and reviewer, and seizure reviewer.
 - 4.5.4. Water Patrol Division** – Acts as creator and reviewer for both seizure and suspect cases.
- 4.6. Accounts Management Office** – Responsible for creating, reviewing, and updating company database in the NCEN.
- 4.7. Port Control Office** – Acts as suspect creator and reviewer.

- 4.8. X-ray Inspection Project (XIP)** – Acts as creator and reviewer. This office shall upload significant suspect and seizure details from scanned containers and possible images to the NCEN.

Section 5. Operational Provisions.

5.1. Data Input. The Seizure and Suspect case Creator (either CIIS or ESS Officer) of the Port concerned shall encode to NCEN correct, specific and extensive details (nominal data i.e., of all seizure and smuggling incidents at the Port based on the original case folder of the seizure or investigation.

5.1.1. For any seizure or investigation data originating from other offices outside of the CIIS or ESS, the District Collector, his/her representative, or the Chief, Law Division of the Port has the responsibility to collect the original case folder and encode it into the NCEN.

5.1.2. The responsible offices are mandated to encode seizure case data in the system within 7 days from the date of issuance of Warrant of Seizure and Detention (WSD).

5.2. Data Process

5.2.1. Once suspect case has been created by the Creator, the Reviewer, or other possible officers on the case, may choose to edit the case or close the investigation:

5.2.1.1. If the Creator et. al chooses to edit the case, then it can possibly move to Seizure case database.

5.2.1.2. If the Creator et. al chooses to close the investigation, then it can also possibly move to seizure case, however there is higher likelihood that it may stay in suspected list/folder or could be edited by the Creator et. al.

5.2.2. Suspect Reviewer (CIIS/ ESS) verifies encoded suspected shipment.

5.2.3. The Validator utilizes the verified files submitted.

5.2.4. Upon the movement of the suspect case to seizure case and after the Seizure Creator (CIIS/ ESS Officer) encoded the case, the Reviewer (CIIS/ ESS Director) shall check and verify the accuracy of case/details submitted.

5.2.4.1. If the data is deemed accurate, the Reviewer shall assess the data to be forwarded to the Validator (RMO Chief) for validation for Global CEN submission, be retained in NCEN, or lastly Reviewer (RAU Analyst) may decide to retain or return the seizure case into suspect case.

5.2.4.2. If data is not accurate, the Field Station Chief may choose to edit the case data to correct the field report and forward it to the Reviewer (RAU Analyst) for further assessment before forwarding it to the Validator (RMO Chief) for validation for submission to the Global CEN, to remain in NCEN, or the Reviewer (RAU Analyst) may return the seizure case into suspect case.

5.3. Data Validation. The Validator (RMO Chief) or his/her designated officer, shall validate and update, if necessary, the encoded data in the NCEN based on the facts of the investigation on a particular smuggling case. Only non- nominal data shall be shared to Global CEN.

5.4. Data Update. The Creator of the case and/or Reviewer has the authority to update case data.

5.5. Data from Joint Operation. In the case of Joint Operation/s between CIIS and ESS, the Initiator of said Seizure or Suspect case shall ensure encoding to NCEN.

5.6. National Reference Number. The National Reference number is equivalent to the Warrant of Seizure and Detention number. The National Reference number is not identical to the NCEN number; NCEN number is system generated. It is necessary to include the Port code before the WSD number to avoid duplication of case files. (i.e., P01 S.I. No. 001-2017)

Section 6. Miscellaneous Provision.

6.1. Data sharing to other Government Enforcement Agencies is permissible and subject to existing policies created under relevant Joint Memorandum order/s.

6.2. Non-nominal data, upon validation of the NCP, shall be approved by the Commissioner prior to data sharing through Global CEN.

Section 7. Repealing Clause. All orders, memoranda, circulars or parts thereof which are inconsistent with this Order are deemed revoked, amended or modified accordingly.

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Section 8. Separability Clause. If any part of this Order is declared by the Courts as unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force.

Section 9. Effectivity. This Order shall take effect on 08 FEB 2021.



REY LEONARDO B. GUERRERO

Commissioner *mm*

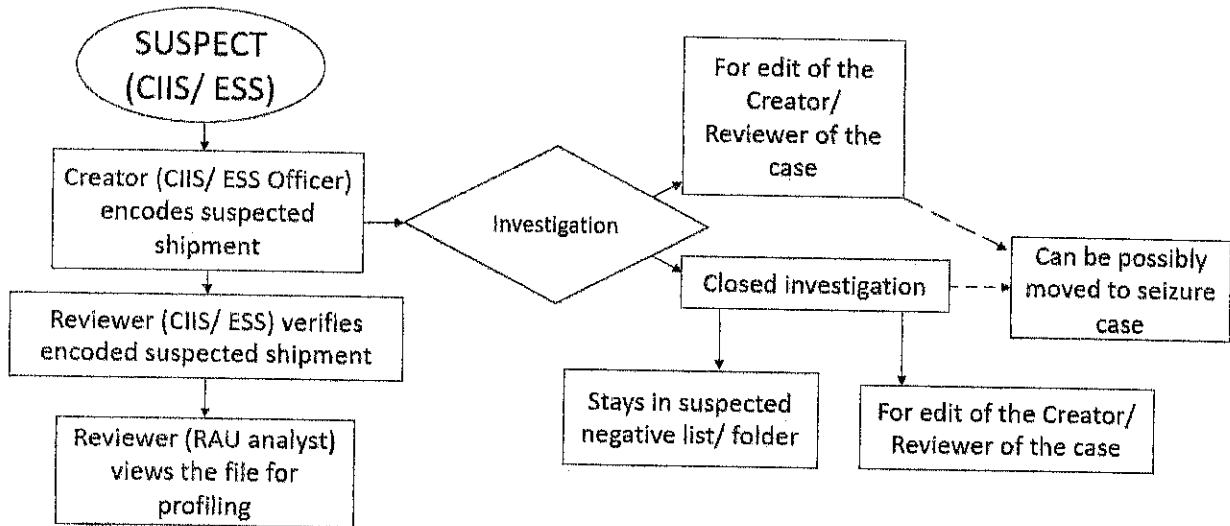
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ANNEX A

Suspect Process Flowchart



Seizure Process Flowchart

