

12 January 2011

**CUSTOMS MEMORANDUM ORDER**

No. 1-2012

**SUBJECT: STRENGTHENING THE RUN AFTER THE SMUGGLERS (RATS) GROUP UNDER THE REVENUE COLLECTION AND MONITORING GROUP (RCMG) AND INTENSIFYING ITS ROLE IN THE ANTI-SMUGGLING EFFORTS OF THE BUREAU OF CUSTOMS**

Pursuant to the mandate of the Revenue Collection Monitoring Group under Executive Order No. 127 and the Revised Administrative Code of 1987 to administer legal requirements of the Bureau of Customs consistent with the mandate of the Bureau of Customs to prevent and suppress smuggling and other frauds under Section 602 paragraph (b) of the Tariff and Customs Code of the Philippines, as amended and making it more responsive to the intensified anti-smuggling thrusts of the government.

**1. OBJECTIVES**

- 1.1. To ensure the successful prosecution of cases filed pursuant to the intensified anti-smuggling efforts of the government;
- 1.2. To ensure that criminal, civil and/or administrative proceedings, where warranted, are immediately instituted on every apprehension for violation of customs laws, rules and/or regulations;
- 1.3. To ensure proper coordination among customs enforcers, collectors, and other concerned government units duly authorized by the Commissioner to enforce customs laws rules and regulations as far as investigation and eventual filing of cases are concerned;
- 1.4. To have a centralized database of all cases investigated and/or prosecuted by the Bureau.

**2. ADMINISTRATIVE PROVISIONS**

- 2.1. To coordinate the activities of the RATS Group, a Secretariat is hereby constituted which shall be composed of the following teams:
  - 2.1.1. Case Evaluation Team;

- 2.1.2. Profiling Team; and
- 2.1.3. Prosecution/Litigation Team;
- 2.2. In view thereof, the Deputy Commissioner, RCMG, as Head of RATS is hereby directed to form the composition of the Secretariat immediately.
- 2.3. In the exigency of the service and to effectively achieve the objectives of this Order, additional members and/or technical and administrative support staff shall be drawn from other BOC offices and assigned to the RATS Group upon request of the Deputy Commissioner RCMG subject to the approval of the Commissioner of Customs.

### **3. FUNCTIONS OF RATS GROUP**

- 3.1. Conduct investigation/profiling, including gathering of evidence against Customs personnel, importers, brokers, and other persons suspected to be involved in smuggling activities;
- 3.2. Investigate, recommend to the Commissioner and initiate the filing of criminal cases against Customs personnel, importers, brokers and other individuals with the Department of Justice and monitor the progress thereof.
- 3.3. Develop a database of information obtained relative to smuggling activities, including information on BOC personnel suspected or reported of being involved in smuggling activities;
- 3.4. Conduct research and monitoring on critical areas of smuggling utilized by smugglers in their modus operandi (eg. warehousing, consumption, transshipment etc.) and establish a database of all shipments alerted, apprehended, abandoned, forfeited, etc.;
- 3.5. Conduct trainings designed to enhance the program's capacity to effectively target, profile, evaluate, and litigate cases against trade law violators;
- 3.6. Recommend, subject to the approval of the Commissioner of Customs, internal rules in case building/profiling, monitoring, investigation of cases of smuggling, customs fraud and other violations of customs and allied laws;
- 3.7. Recommend issuance of orders as may be necessary to effectively perform/execute the functions as mandated herein;

- 3.8. Recommend Letters of Authority and/or issue alert/hold orders against shipments or establishments suspected to be in violation of the TCCP and other related laws resulting from the conduct of its profiling activities; and
- 3.9. Recommend the conduct of Post-Entry Audit of importers suspected of engaging in smuggling activities.

**4. ADMINISTRATIVE SUPPORT**

- 4.1. Upon the effectivity of this Order, all case folders, files and/or records of offices pertaining to the operation of RATS and prosecution of criminal filed with the Department of Justice (DOJ) and appropriate courts shall be turned over to the RATS Group.
- 4.2. Within forty-eight (48) hours after apprehension, all apprehending units are required to furnish the Head of the RATS Group certified true copies of their Apprehension Reports and all other pertinent documents and pieces of evidence related thereto.
- 4.3. All District Collectors/Port Collectors shall, within forty-eight (48) hours from the issuance of a Warrant of Seizure and Detention, furnish a certified copy thereof, including the recommendation of the apprehending unit, Examination Report and Officer On Case Report and Apprehension Report, and other supporting documents, to the RATS Group for the immediate profiling and evaluation for the initiation of appropriate criminal cases against all personalities involved therein.
- 4.4. All apprehending/investigating officers, customs personnel and those having custody of official documents relative to the herein mentioned apprehensions are directed to cooperate with the designated RATS personnel, and must execute an affidavit, if so required, in support of the administrative or criminal cases that have been filed or to be filed with the proper courts, tribunals or administrative bodies.

**5. ISSUANCE OF SUBPOENA DUCES TECUM/  
ADTESTIFICANDUM**

Pursuant to Section 3503 of the TCCP, as amended, and in order to secure the production of witness, records and documents necessary for its investigation and prosecution, the Deputy Commissioner as Head of the RATS Group is hereby vested with the authority to issue subpoena *duces tecum/ad*

*testificandum* in connection with any case being investigated or profiled by the RATS Group.

**6. PENALTIES**

Failure on the part of the responsible customs official or personnel to comply with any of the directives stated in this Order within the prescribed period shall be dealt with in accordance with Section 3604 of the TCCP, as amended, and appropriate civil service rules and regulations.

**7. REPEALING CLAUSE**

All orders, rules and regulations inconsistent with this Order are hereby repealed, superseded and modified accordingly.

**8. EFFECTIVITY**

This Order shall take effect immediately.

  
**ROZZANO RUFINO B. BLAZON**  
Commissioner  
 Bureau of Customs  
Rozzano Rufino B. Blazon  
Commissioner  
  
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