



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

Date 13 December 2021

OFFICE of the NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations

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CUSTOMS MEMORANDUM ORDER (CMO)
NO. 37-2021

SUBJECT: MANDATORY GEOTAGGING OF PHOTOS AND VIDEOS TAKEN BY CUSTOMS PERSONNEL IN THE EXERCISE OF CUSTOMS POLICE AUTHORITY AND OTHER CUSTOMS OPERATIONS

Introduction. This memorandum mandates the use of geotagging mobile applications in taking photos and videos, using smartphones, in the exercise of Customs police authority and other aspects of operations and shall complement the use of Body-Worn Camera (BWC) or Alternative Recording Device under Customs Memorandum Order (CMO) No. 33-2021.

Section 1. Scope and Applicability. This Order shall govern the use of geotagging applications in taking photos and videos, using smartphones, in the exercise of Police Authority as defined and prescribed under Title II: Chapter 3 of Republic Act (R.A.) No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) and in the conduct of other customs operations.

Section 2. Objective. To institutionalize geotagging of photos and videos taken in the herein specified customs operations as a complement to the BWC and to prescribe the mandatory use of geotagged photos and videos in the submission of reports.

Section 3. Definition of Terms.

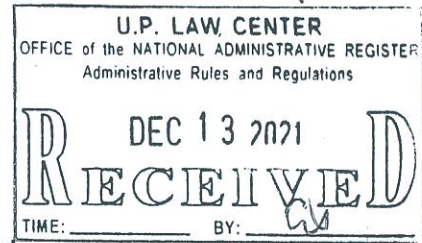
3.1 Alternative Recording Device – shall refer to an electronic camera system which is not a Body-Worn Camera, that is capable of creating, generating, sending, receiving, storing, displaying, and processing audio-visual Recordings, and may be worn or used during customs operations and in the exercise of Police Authority. It may be used as a substitute for Body Worn Cameras in case of unavailability.¹

3.2 Body-Worn Camera – shall refer to an electronic camera system designated to the Bureau’s law enforcement units and other authorized customs officials for creating, generating, sending, receiving, storing, displaying, and processing audio-visual Recordings that may be worn during customs operations and in the exercise of Police Authority.²

¹ Section 3.1 of Customs Memorandum Order (CMO) No. 33-2021.

² Section 4, Rule 1 of Supreme Court Administrative Matter (A.M.) No. 21-06-08-SC

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- 3.3 **Bureau** – shall refer to the Bureau of Customs.
- 3.3 **Data Custodian** – shall refer to an authorized customs officer who has the sole responsibility of storing and safekeeping of data recorded from Body-Worn Cameras or Alternative Recording Device and those geotagged photos and videos taken using smartphones of customs officers.
- 3.4 **Geotagging** – the process of adding geographical information to various media in the form of metadata. The metadata usually consists of coordinates like latitude and longitude, but may even include bearing, altitude, distance and place names.³
- 3.5 **Metadata** – shall refer to information within the recording file containing any digital identifiers that are captured as part of the actual recording, such as the recording date, time, GPS coordinates, etc.⁴
- 3.6 **Mobile Applications** – type of application software designed to run on a mobile device, such as a smartphone or tablet computer.⁵
- 3.7 **Police Authority** – shall refer to the authority granted to specific regular government employees, to effect search, seizure, and arrest in places where the authority may be exercised arising from the implementation of the CMTA and other related laws.⁶

Section 4. Mandatory Use of Geotagging Mobile Applications. The use of geotagging mobile applications in taking photos and videos using smartphones, in complement to the Body-Worn Camera or Alternative Recording Device, of customs officers shall be mandatory under the following instances:

- 4.1 Approved controlled delivery⁷ operation;
- 4.2 Boarding formalities;
- 4.3 Conduct of auction sales;
- 4.4 Destruction or condemnation of goods, including the transport thereof to the designated facility;

³ Department of Environment and Natural Resources' National Greening Program (DENR-NGP) Geotagging Manual, Series of 2013

⁴ Section 4, Rule 1 of Supreme Court A.M. No. 21-06-08-SC

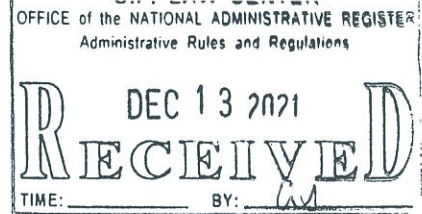
⁵ *Mobile Application (Mobile App)*, 2020, n.a., last accessed on 05 October 2021 at <https://www.techopedia.com/definition/2953/mobile-application-mobile-app>

⁶ Section 3.23 of Customs Administrative Order (CAO) No. 3-2019

⁷ Section 3.4 of CAO No. 3-2019

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- 4.5 Electronic Tracking of Containerized Cargo (E-TRACC)-related operations, particularly the conduct of investigation upon report of violation of E-TRACC rules and regulations;
- 4.6 Fuel marking operations;
- 4.7 Guarding duty at customs import exit gates for containers/cargoes, if applicable;
- 4.8 Hot pursuit;
- 4.9 Inspection of consignees' offices;
- 4.10 Non-intrusive examination of goods;
- 4.11 Physical examination of goods within and/or outside of customs zone;
- 4.12 Search of persons arriving from foreign countries⁸;
- 4.13 Service of Letter of Authority⁹;
- 4.14 Search of vehicles, other carriers, persons, and animals¹⁰;
- 4.15 Search on vessels or aircrafts and persons or goods conveyed therein¹¹; or
- 4.16 Covert and overt operations of the Intelligence Group and Enforcement Group.

Section 5. Operational Provisions.

- 5.1 All reports in the exercise of the customs operations enumerated under Section 4 of this Order shall be accompanied by a printout of geotagged photos taken during the said operations.
- 5.2 Customs Officers and employees involved in the conduct of the covered operations shall download a geotagging mobile application that must show the following information, but not limited to:
 - 5.2.1 Location address;
 - 5.2.2 Latitude;
 - 5.2.3 Longitude; and

⁸ Section 223 of Republic Act (R.A.) No. 10863 (CMTA)

⁹ Section 224 of R.A. 10863 (CMTA)

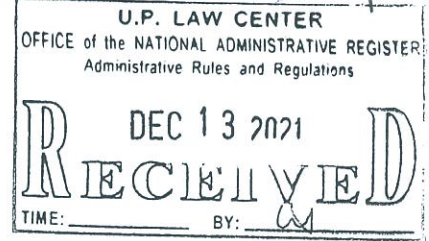
¹⁰ Section 222 of R.A. 10863 (CMTA)

¹¹ Section 221 of R.A. 10863 (CMTA)

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5.2.4 Date and Time

- 5.3** All geotagged photos and videos taken shall also be submitted to the designated Data Custodian within twenty-four (24) hours after the completion of the operation.
- 5.4** Only geotagged photos, videos, and those recorded by Body-Worn Camera or Alternative Recording Device shall be accepted as proof of conduct of the abovementioned operations. In case of Alternative Recording Device, the same must be geotagged.
- 5.5** Sections 9 to 16 of Customs Memorandum Order No. 33-2021 are hereby made part of this Order.

Section 6. Administrative Liability. Any act in violation or failure to comply with this Order shall be a ground for administrative liability.

The administrative penalty arising from this Order shall be without prejudice to other criminal, administrative, or civil liability that may arise pursuant to the provisions of the applicable law violated.

Section 7. Repealing Clause. Provisions of other CMOs, orders and issuances in conflict with this CMO are hereby repealed or amended accordingly.

Section 8. Separability Clause. If any part or provision of this Order is later declared invalid or illegal, the remaining portion shall remain valid and enforceable.

Section 9. Effectivity. This Order shall take effect on 13 December 2021

REY LEONARDO B. GUERRERO
Commissioner



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