



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA 1099

July 15, 1998

CUSTOMS MEMORANDUM ORDER

No. 21-98

TO : All Deputy Commissioners,
Service Directors,
All Collectors, Division chiefs,
Section Chiefs and
All others concerned

SUBJECT: Guidelines on the operation of the Interim Scanning Units

Pursuant to the provisions of CMO No. 6-97 and in relation to the Customs Computerization and Modernization program, the following guidelines covering the operation of the Interim Scanning Units are hereby promulgated:

1. Objectives

- 1.1. To further facilitate the clearance of legitimate imported goods.
- 1.2. To enhance the Bureau's capability in detecting/monitoring shipments suspected to contain contraband, anti-social goods and/or attendant with fraud.
- 1.3. To define the function and responsibilities of the scanning-units.

2. Coverage

- 2.1. This order shall cover all ports with x-ray equipment and areas that are accessible through use of the mobile x-ray van.

3. General Provisions

- 3.1. Subject to machine availability, shipments subject to x-ray operations are

- 3.1.1. Alerted shipments.
- 3.1.2. Shipments that can not be examined by using regular examination procedures. (e.g. dangerous chemicals, paints, liquid concentrates, etc.)
- 3.1.3. Shipments which when examined would cause much delay to its release (e.g. bales of clothing, bulk shipments, balikbayan boxes, etc)
- 3.1.4. Shipments and/or baggage that arrived through cargo planes or are accompanied by arriving passengers whose origin or port of transit is considered high risk.
- 3.1.5. Suspected shipments or those that the Project Manager or his duly designated representative has identified which are subject of derogatory information.

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3.2. Place of examination

- 3.2.1. In the case of containerized and breakbulk shipments at the seaports subjected to x-ray operations, examination, will be held at the designated station where the fixed x-ray facility is located.
- 3.2.2. In cases of the availability of Mobile x-ray machine and if the size and dimension of the shipment so warrants, the shipment may be examined at the Container Yard, Customs Security Warehouse, at the Designated Examination Area (DEA), and areas deemed appropriate by the Project Manager.
- 3.2.3. Pieces of baggage, parcels, pouches and other shipments at the Airports subject to x-ray operations shall be done at the fixed x-ray facility or designated Mobile x-ray vans prior to loading at the baggage carousel or prior to transfer to the postal distribution centers.

3.3. Time of examination

- 3.3.1. At the sea ports, goods to be examined under this Order shall be made after the completion of the processing of the entry, except when the shipment was duly alerted.
- 3.3.2. At the airports, goods, baggage an/or parcels shall be subject to scanning operations prior to or after the completion of the processing of entry and its supporting documents.
 - 3.3.2.1. If the baggage or shipment is accompanied by an arriving passenger, the said goods shall be subjected to x-ray operations prior to the loading to the baggage carousel. At the Customs Arrival Area, the marked baggage shall then be subjected to physical examination by the Customs examiner, with the Interim Scanning Unit operative witnessing and assisting in the examination by giving information as to what, where or how the targeted goods are probably concealed in the baggage.
 - 3.3.2.2. If the shipment is to be brought to a Customs Bonded Warehouse, PEZA/ Duty Free Zones and the like, Postal Distribution Center or a Postal Station, scanning operations may be conducted prior to the turn over of the shipment to the Warehouseman, or the duly authorized Customs personnel. In cases wherein the shipment was not subjected to scanning operations prior to turn over, the same may still be executed after the processing of the shipment's entry.

3.4. Delivery of the Shipment to the X-Ray Facility

- 3.4.1. It shall be the responsibility of the arrastre operator to transport all shipments selected for X-ray Operation to and from the designated stationary X-Ray facility.

3.5. Responsibility of the X-Ray Operatives and Officials

- 3.5.1. X-ray operations, handling, maintenance and safekeeping of the x-ray equipment shall be the sole responsibility of the members of the Interim Customs Scanning Units. The machines should in no way be handled by other Customs personnel

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without the suitable training and orientation on the proper handling and safety of the equipment. The Project Manager or his duly designated representative shall have a regular review of the performance of the operatives and shall be responsible for the addition/detachment and deployment of personnel from the Interim Scanning Service.

4. Operational Provisions

- 4.1. During scanning operations, whether in the seaport, airport or in any place within Customs jurisdiction, the x-ray operative shall accomplish the following.
 - 4.1.1. the X-Ray Operative shall make distinctive marks on the shipment if it is suspected to contain anti-social goods, contraband, goods commercial in quantity.
 - 4.1.2. If any of the antecedent cases mentioned exists, or where there is a derogatory information against any shipment, a recommendation from the scanning operative to the Project Manager for the issuance of an Alert/Hold Order shall be made, in which case the latter shall issue the Alert or Hold Order when circumstances warrants the issuance of such.
 - 4.1.3. The 100% physical examination of the shipment will then be conducted with the x-ray operative extending assistance to the examiner by providing information as to what the goods are and their location.
 - 4.1.4. If the alerted cargo is a consolidated shipment, the release of the other individual consignment found to be in order shall continue to avoid any delay and without prejudice to the individual consignees thereof.
 - 4.1.5. Upon completion of the operation, the head of the X-ray team shall then prepare a report addressed to the Project Manager for his appropriate action. The said report shall include the findings or results of the examination.
- 4.2. At the Arrival Area of the Airport, the shipment/baggage will be subjected to what is prescribed in section 3.3.2.1 of this Order.
 - 4.2.1. If the case on hand is sensitive, such as that the passenger is suspected to be carrying in his baggage and/or concealing in his person contraband, anti-social goods or highly dutiable items, the interrogation room of the area shall be used to properly record, (through audio & video) the entire proceedings.
 - 4.2.2. During the proceedings, the X-ray Operative shall secure all the necessary documents including but not limited to the passport, baggage declaration, invoice etc. for purposes of data gathering.
 - 4.2.3. If the baggage was found to contain contraband, anti-social goods or whose declaration is attendant with fraud, all documents shall be properly turned over to the representative of the ESS Investigation Unit for formal investigation and proper disposition.
 - 4.2.4. On instances where the concerned Customs Officer and/or the X-ray Operative has recommended for the issuance of a Warrant for Seizure and Detention (WSD), the information should be properly reflected on the Held Baggage Receipt. A weekly report on the activities of the unit, and any development thereof up to the final disposition of the subject goods, shall be made by the Administrative Officer of the Scanning Units and shall be forwarded to the Project Manager of the Interim Scanning Service.

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5. Miscellaneous Provisions

- 5.1. The Interim Scanning Units shall be under the direct supervision and administration of the Commissioner of Customs.
- 5.2. The Project manager shall meet with the Commissioner of Customs on a weekly basis to report on the performance of the group. Likewise, a monthly accomplishment report shall be submitted to the Commissioner of Customs for monitoring purposes.
- 5.3. The Project Manager shall supervise the implementation of this CMO and all Deputy Commissioners, Service Directors, Collectors, Division and Unit heads are hereby directed to give proper assistance and appropriate coordination on this regard.
- 5.4. The Project Manager, shall recommend on a need basis, to the Commissioner of Customs, additional guidelines/personnel that he finds appropriate, to further strengthen and make more efficient the operational performance of the Interim Scanning Unit in order to meet its mandate and desired objectives.

6. Saving Clause

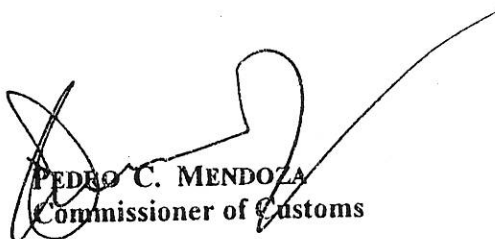
- 6.1. Customs Memorandum Order 64-91 and such other Orders which are in conflict or inconsistent with the provisions of this CMO are hereby amended and/or modified accordingly.

7. Effectivity

- 7.1. This order shall take effect immediately.

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APPROVED:


PEDRO C. MENDOZA
Commissioner of Customs