



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

SEP 10 1992

CUSTOMS MEMORANDUM ORDER
NO. 103-92

SUBJECT: CREATION OF AN EXPRESS LANE COMMITTEE TO MONITOR AND CONTROL SPECIAL CASES IN THE LAW DIVISIONS OF THE PORTS OF MANILA, NAIA AND MICEP AND THE APPLICATION OF RULES AND GUIDELINES ON SUMMARY PROCEDURE HEREIN PROMULGATED

Pursuant to Section 608 of the TCCP, as amended, and in order to expedite the resolution of seizure cases with the end in view of immediately realizing revenues from seized articles an EXPRESS LANE COMMITTEE FOR SPECIAL CASES is hereby created to apply the following rules and guidelines on summary procedure:

SECTION 1. SCOPE - The Express Lane Committee for Special Cases (ELCSC) shall monitor and control the following seizure cases:

- 1.a Where the consignee, importer or local exporter has been verified to be:
 - 1.a.1 non-existent
 - 1.a.2 fictitious
- 1.b Where the importation is absolutely prohibited;
- 1.c Where the consignee, importer or local exporter is not known.

SECTION 2. NOTICE - In cases falling under pars. a and b of Section 1, the Action Officer shall, within twenty-four (24) hours from his receipt of the case folder, notify the consignee, importer, local exporter or his agent of the scheduled hearing which shall be conducted not later than seven (7) working days from such receipt of the case folder.

The Notice may be served by the Action Officer or any Customs personnel as may be authorized by the Committee. The server of the Notice shall submit a written report containing a statement of the date, place and manner of service, which should be part of the records of the seizure proceedings.

In cases falling under par. c. of Section 1, the Action Officer shall, within twenty-four (24) hours from his receipt of the case folder, notify the unknown claimant thru posting in the Bulletin Board of the scheduled hearing of the case which shall not be later than sixteen (16) days from the time he receives the case folder.

SECTION 3. HEARING - During the scheduled hearing, the Action Officer shall ascertain whether there was proof of service which shall be the basis for declaring the claimant in default.

Once claimant is declared in default, the Prosecutor shall be allowed to submit evidence ex parte to support the violations imputed against the shipment, the fictitiousness or non-existence of the consignee, importer or exporter; the disclaimer of ownership by the consignee, importer or exporter; and such other evidence that can be used as basis for the forfeiture of the shipment. After the prosecution has rested its case, the case shall be deemed submitted for resolution.

A decision shall be rendered by the Action Officer within forty-eight (48) hours from the time the case is submitted for resolution.

SECTION 4. If inspite of proof of service attesting to the non-existence or fictitiousness of the consignee, importer or exporter, a person appears in the hearing representing himself to be the claimant or claimant's representative, the person shall not be recognized unless he submits proof of the existence and non-fictitiousness of the claimant and/or his authority to appear for and in behalf of the claimant subject to the prosecution's right to contest the same. The Action Officer shall immediately decide this issue without prejudice to the continuance of the hearing which must be terminated within the period given in the last paragraph of Section 3 hereof.

SECTION 5. Upon submission of the decision of forfeiture to the Collector of Customs of the port concerned, he is hereby given a period of twenty-four (24) hours within which to review and approve the said decision of forfeiture, which decision shall be posted in a special Bulletin Board in the Collector's Office and other public places within the Customs building.

SECTION 6. Within one day after the District Collector concerned signs the decision of forfeiture, the Action Officer shall furnish the Auction and Cargo Disposal Division (ACDD) and the Committee a copy of such decision. The ACDD in turn shall schedule the public auction of the forfeited shipment not later than twenty-one (21) days from receipt of the copy of the forfeiture decision. In no case shall the public auction of the forfeited shipment proceed without a notice coming from the Committee of the finality of the decision of forfeiture.

Within twenty-four (24) hours after the decision has become final and executory, the Committee shall issue a certification to that effect to the ACDD so that the latter may proceed with the auction as scheduled.

SECTION 7. For a case to be classified as special within the provisions of this Order, a certification must be made in writing by any member of the committee described in Section 8 below following the definition contained in Section 1 hereof.

SECTION 8. COMMITTEE MEMBERSHIP - The Committee shall be composed of the following:

Chairman	ATTY. FILAMERICO Z. FONACIER
Vice-Chairman	ATTY. MAGTANGGOL GUNIGUNDO
Member	Chief, Law Division - POM
Member	Chief, Law Division - NAIA
Member	Chief, Law Division - MICP

Action Officers:

For POM	Atty. ISAGANI DANTA
	Atty. BENJAMIN BONGON
For NAIA	Atty. DIONISIO MANTOS
	Atty. MARTINIANO BANGCOY
For MICP	Atty. SIXTO ESQUIVIAS V
	Atty. TITUS SANGIL

When the interest of the service so demands, the Commissioner of Customs may change the composition of the Committee and the Action Officers.

SECTION 9. MONTHLY REPORTS - The Action Officers shall be required to submit a monthly report of the status of the seizure cases covered by this CMO to the Chairman and Vice-Chairman who in turn shall submit the same to the Commissioner of Customs for his information and guidance.

SECTION 10. COMMITTEE MEETINGS - The Committee shall hold its regular meetings every Thursday of the week at the Commissioner's Office unless otherwise decided by the Chairman or in his absence, the Vice Chairman.

SECTION 11. REPEALING CLAUSE - Any order, ruling or regulation inconsistent with this Memorandum Order is hereby repealed.

SECTION 12. EFFECTIVITY CLAUSE - This Memorandum Order shall take effect immediately.


 GUILLERMO L. GRAYNS JR.
 Commissioner