



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

MEMORANDUM

TO : ALL CONCERNED

FROM : **REY LEONARDO B. GUERRERO**
Commissioner

SUBJECT : **Action Plan for AFP and PCG detailed to BOC**

DATE : **January 17, 2019**



JAN 24 2019

1. REFERENCES:

- a. Guidance of the President to Prevent Smuggling especially Illegal Drugs, Improve BOC Collection and Stop Graft and Corruption.
- b. Memorandum of Agreement among the Bureau of Customs, Armed Forces of the Philippines, and the Philippine Coast Guard.
- c. Custom's Modernization and Tariff Act or RA 10863.

2. OBJECTIVES:

This action plan prescribes the guidelines in the implementation of the Memorandum of Agreement between the BOC, the AFP and the PCG.

3. SITUATION:

Large scale smuggling, importation of prohibited drugs and anti-social goods and other forms of fraud against revenue, present a clear danger to national security. To this end, the prevention and suppression of these menace, together with graft and corrupt activities that occur within and outside the BOC, become a prime concern of the government.

In response, the Commander in Chief has directed the AFP and the PCG, among other agencies, to extend security assistance and provide augmentation to the enforcement function of the BOC. This is provided for under Section 214 of the Customs Modernization and Tariff Act, which allows the deputation of personnel of the AFP and other law enforcement agencies to effect searches, seizures and arrests.

4. MISSION:

To conduct law enforcement operations in order to prevent and stop smuggling and graft and corruption in the Bureau of Customs resulting to improved revenue collection.

5. EXECUTION:

A. Concept of Implementation:

Pursuant to the Memorandum of Agreement entered into by and among the BOC, PCG and AFP, a Joint Monitoring Committee (JMC) is hereby constituted, to be chaired by the Commissioner, BOC, with members from BOC, Military Assistance Group (MAG) of the AFP and PCG. The JMC shall supervise all activities to be conducted or participated in by the deployed personnel from AFP and PCG.

An Inter-Agency Cooperation, monickered PORTCOP, shall implement and operationalize this action plan. PORTCOP shall be headed by Deputy Commissioner for Enforcement, with members comprising of the Deputy Commissioner for Intelligence (IG), Deputy Commissioner for Assessment and Operations (AOCG), representative from the AFP and PCG. PORTCOP shall be composed and supported by seventeen (17) Task Groups deployed to the different collection districts and two (2) special task groups namely: Special Task Group-Intelligence (STG-I) and Special Task Group- Enforcement (STG-E), to carry out special missions as directed by the JMC.

The existing Bureau Action Team Against Smuggling (BATAS) shall act as the Legal arm of PORTCOP. For this purpose, all Chiefs of law divisions of every collection districts shall be deputized as Legal officer of the task group in every collection district, except in POM, MICP and NAIA. In case, no lawyer is available in a given collection district, the Legal Service shall identify lawyers from the Legal Service who will devote themselves in assisting in the filing and prosecution of cases.

A Special Task Group for Intelligence (STG-I) is constituted as the intelligence arm of PORTCOP. It shall be headed by the Director, Customs Intelligence and Investigation Service (CIIS), with a Deputy from the AFP intelligence unit. Its mission is to conduct intelligence and counter-intelligence operations in support to PORTCOP's mission.

A Special Task Group for Enforcement (STG-E) is also constituted as the enforcement arm of PORTCOP. It shall be headed by the Director, Enforcement and Security Service (ESS), and a Deputy from PCG. The mission is to conduct special law enforcement operation in support of PORTCOP's mission.

Seventeen (17) Inter Agency Task Groups (TGs) shall are constituted and deployed in all Collection Districts of BOC as the operating/implementing arms within respective jurisdictions. District Collectors shall be designated as the Task Group Commander and shall lead and supervise all joint activities conducted in their respective jurisdictions. The TGs may operate only within

respective jurisdiction but may augment other TGs upon prior coordination and written approval of PORTCOP Commander.

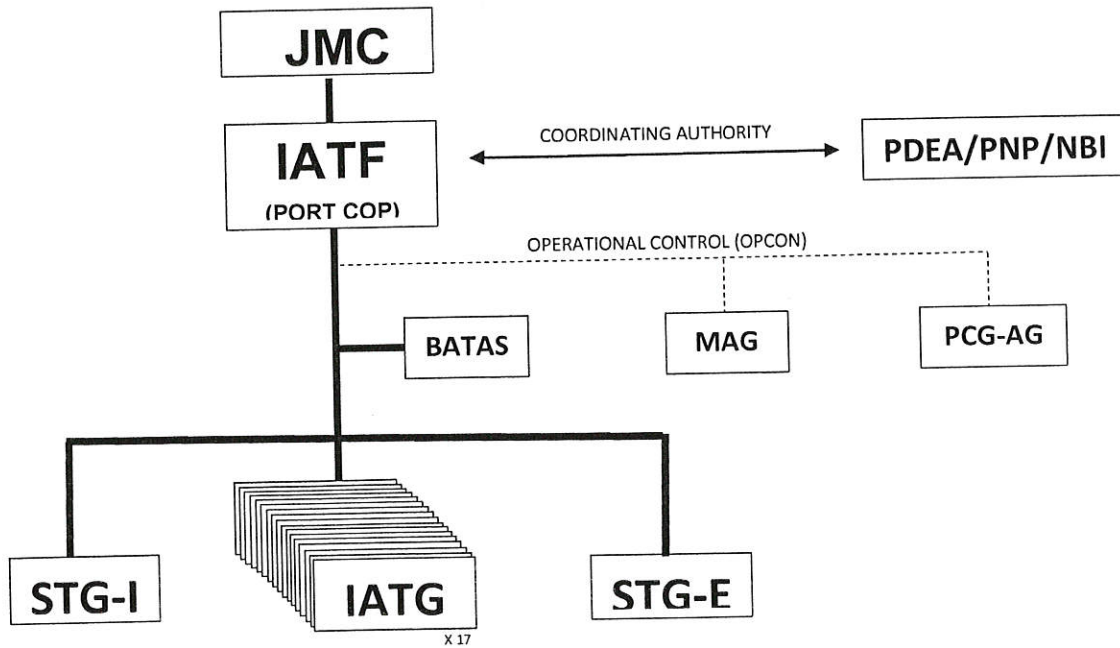
The mandate of the District Collectors as specified in Section 210 of the Customs Modernization and Tariff Act shall remain and the responsibilities given under this Order shall in no way derogate or impede upon the exercise of the District Collector's mandate.

In other areas of cooperation, the AFP and PCG shall assist the BOC in other Technical capabilities available in the AFP and PCG (Annex A).

Prior to deployment, all personnel from AFP and PCG shall undergo orientation training to be conducted by BOC.

Other Law Enforcement Agencies may operate with BOC, AFP and PCG provided coordination and written approval of the Commissioner, BOC, is secured prior to the conduct of any customs-related operation.

B. Organizational Chart:



In the implementation of this action plan, all units shall adhere to the prescribed responsibilities and functions (Annex B).

C. Command Relationship:

All units from AFP and PCG detailed at BOC shall be under Operational Control (OPCON) of the BOC upon issuance of deputation orders duly signed by the Commissioner, BOC. Administrative control shall be with their respective agencies.

D. Reporting System:

All activities jointly conducted shall be reported to the PORTCOP. ASAP, SPOT/INCIDENT shall be reported thru the fastest means available. Written reports however shall be required to be submitted within 24 hours from implementation. Task Group Commanders shall submit the report to JMC/PORTCOP thru Monitoring Center for consolidation, furnishing copies thereof to the AFP and PCG in their respective jurisdiction.

E. Coordinating Instructions:

- a. Deputation Order shall only be issued by BOC Commissioner upon recommendation of AFP Chief of Staff/ PCG Commandant or their designated Commanders.
- b. All TGs shall be composed of BOC personnel together with PCG and AFP personnel whose names are specifically indicated in the Deputation Orders.
- c. All Joint Operations with AFP and PCG shall be led by BOC personnel. No AFP and PCG shall operate independently unless they are in the performance of their institutional mandate.
- d. All TG Commanders shall prepare and sign all charge sheet for administrative /criminal cases to be approved by the Commissioner, BOC.
- e. In case of searches, seizures and arrests to be conducted outside customs zone, all TG Commanders shall request for Letter of Authority (LOA) or prepare application documents to be signed by Commissioner, BOC for search warrants as provided by law.
- f. All TGs shall recommend the filing of administrative or criminal cases when applicable, and shall forward the records of apprehensions and seizures to BATAS.
- g. BOC shall provide a monitoring center at Port of Manila area. Office of Primary Responsible (OPR) for this is the Office of the Deputy Commissioner for Enforcement Group.
- h. Personnel Requirement to be detailed per Task Group will be determined by BOC.
- i. The deployment of AFP and PCG shall be determined by the BOC depending on the need. It may vary depending on the area and situation.
- j. List of Personnel (per Unified Command) to be detailed in BOC shall be submitted Not Later Than (NLT) _____, 2019.
- k. The coordination meeting in every port shall be scheduled on a weekly basis to evaluate and assess the activities conducted.

- l. JMC/ PORTCOP meeting will be on a monthly basis.
- m. Mission Planning /Case Conference shall be conducted prior every mission to define the specific tasks of the operating units and it should be reflected in the Letter of Authority/ Mission Order. After activity review (AAR) shall be conducted every after-mission execution.
- n. AFP/PCG to designate Quick Reaction Forces (QRF) stationed strategically be prepared to (BPT) augment operations especially in critical areas.

6. SERVICE SUPPORT:

All sustainment support of detailed personnel shall be provided by their respective agencies.

All personnel from AFP/PCG shall utilize their own organic uniforms, firearms and equipment.

They shall provide their own Subsistence, Ammunition and Fuel for their Vehicles/Vessels.

7. FUND SUPPORT:

For BOC-initiated enforcement activity, BOC will provide fund support as necessary.

8. COMMAND AND CONTROL:

- i. Task Force Commander shall be the Over-all Commander.
- ii. Task Group Commanders shall be the designated Ground Commanders in their respective jurisdiction or every operation and they should always be co-located with the main effort.

Annex A of Action Plan for AFP and PCG detailed to BOC

The following are AFP/PCG Technical Assistance to BOC but not limited to:

1. Legal- Legal Officers from AFP and PCG will assist the BATAS when requested.
2. Public Affairs- AFP/PCG will assist BOC on Public Information that is always keeping the public informed on the activities of the Bureau. They will assist also on Community Relation and internal information systems.
3. K9- AFP/PCG will augment K9 teams to detect explosives and drugs on a need basis.
4. Explosive Ordnance Disposal (EOD) - AFP/PCG will augment EOD teams to dispose explosives on a need basis.
5. Chemical, Biological, Radiological, Nuclear (CBRN) units- AFP/PCG will augment CBRN teams to detect, assess and dispose contamination of CBRN on a need basis.
6. Investigators (IG)
 - AFP/PCG will assist BOC on investigation and fact finding on a need basis

Annex B to Action Plan for AFP and PCG detailed to BOC**1. Joint Monitoring Committee/ Inter Agency Task Force - Aduana**

A. Composition:

- 1) Chairperson/TF Commander- Commissioner, BOC
- 2) Vice Chair/Deputy TF Cmdr- DC, EG
- 3) Members- Dep Com, IG, Dep Com AOCG, TBD by AFP (OJ2/OJ3), TBD by PCG

B. Responsibilities:

- 1) Supervise all joint activities conducted by the BOC, AFP and PCG personnel.
- 2) Provide Command and Control of all the Task Group
- 3) Issue deputation order to personnel of the AFP and PCG

2. Special Task Group-Intelligence (STG-I)

A. Composition:

- 1) TG Commander- Director, CIIS
- 2) Deputy TG Cmdr- Preferably AFP Officer
- 3) Members - TBD by AFP, TBD by PCG

B. Functions:

- 1) To conduct intelligence and counter-intelligence operations aiming High Value Target (HVT) on smuggling and other unlawful importations, including the monitoring of situations, circumstances, activities of individual, groups and entities who are involved or who are reasonably believed to be involved in smuggling activities.
- 2) To conduct investigation of ill-gotten wealth of all persons including government officials involved in smuggling activities.

3. Special Task Group-Enforcement (STG-E)

A. Composition:

- 1) TG Commander – Dir, ESS
- 2) Deputy TG Cmdr – Preferably PCG Officer
- 3) Members - TBD by AFP, TBD by PCG

B. Functions:

- 1) To effect searches, seizures and arrests, for High Value Targets (HVT) and for the Task Group Commander to file administrative cases conformably with the provisions of the Customs Modernization and Tariffs Act, Rules on Administrative Cases in the Civil Service and other

applicable laws, pertinent provisions of the Revised Penal Code, as amended.

- 2) Be prepared to augment JIATG-A in their jurisdiction when needed.

4. Joint Inter Agency Task Group

A. Composition:

- 1) TG Commander - District/ Port Collector
- 2) Deputy TG Cmdr – AFP/PCG Officer
- 3) Members - TBD by AFP (U2/U3), TBD by PCG, TBD by BOC

B. Functions:

- 1) To render assistance in searches, seizures and arrests, and for the Task Group Commander to file criminal as well as administrative cases conformably with the provisions of the Customs Modernization and Tariffs Act, pertinent provisions of the Revised Penal Code or the Administrative Code of the Philippines.
- 2) To augment and witness in the conduct of inspection/examination of cargo (Assessment Div./XIP at DEA). AFP and PCG will augment personnel in the examination of cargoes to ensure that the declaration in the goods declaration is consistent with the actual content of the cargo/container.
- 3) Monitor and augment in boarding of vessels and aircrafts. AFP and PCG shall augment ESS or boarding personnel to ensure that what is reflected in the inward manifest is the same as what is loaded/discharged from the vessel/aircraft and to ensure that cargoes that are not prohibited to be discharged remain on board the carrying vessel or aircraft.
- 4) To monitor entrance and exit of Cargo. AFP and PCG shall augment personnel to ensure that all cargo/container have proper documents or clearance before entering or exiting port area and augment PID personnel in under-guarding of cargoes until the said cargoes are delivered to its destination.
- 5) To inspect warehouses off-dock container yard/ customs freight station, bonded warehouse, PEZA. AFP and PCG will augment personnel in inspecting warehouses under BOC jurisdiction on a regular basis.
- 6) To render assistance in serving Letters of Authority as well as Warrants of Seizure and Detention and to ensure that all items covered by said LOAs or WSDs are in the custody and at the disposal of the bureau until otherwise released by lawful orders.

5. Bureau Action Team Against Smugglers (BATAS)

- A. They shall function as stated in the CMO 09-2017. The Legal officers from AFP and PCG shall augment the Legal Teams under the BATAS.

- B. To facilitate the filing of administrative and criminal cases against offenders apprehended by the Task Groups or other Law Enforcement Agencies.