



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

July 20, 1990

CUSTOMS MEMORANDUM ORDER
NO. 47-90

SUBJECT: Preparation and disposition of
Apprehension Reports and Warrants
of Seizure and Detention.

TO: All Service Chiefs, District and
Port Officials, and others concerned.

Par. 1. Objectives:

- 1.1. To improve the coordination of units/offices concerned with post apprehension procedures in seizure cases;
- 1.2. To define the involvement and participation of units/offices concerned; and
- 1.3. To ensure that expeditious action is taken on every apprehension for violation of customs laws, rules and/or regulations.

Par. 2. Scope:

This Order shall cover all apprehensions made by customs personnel, including those made in coordination with representatives of other government agencies or non-governmental organizations.

Par. 3. Administrative Provisions:

- 3.1. Forms shall be reproduced (mimeographed) according to the size and style of the samples appended:
 - 3.1.1. Apprehension Report: (Sample appended as Annex "A") to be accomplished by the apprehending officer/s in eight (8) copies and distributed, as follows:

Salvador L. Misora

CMO-47-98 2

- 1. Chief, Law Divisions concerned Original, with the request for issuance of WSD
- 2. Director, ESS 1 copy
- 3. Director, CIIS 1 copy
- 4. Director, Legal Service 1 copy
- 5. Director, POS 1 copy
- 6. Director, IAS 1 copy
- 7. Chief, ACDD concerned 1 copy
- 8. Apprehending Unit Office other than ESS or CIIS 1 copy

3.1.2. Warrants of Seizure and Detention: (Samples hereto appended as Annex "B") prepared by the Law Division concerned in seven (7) copies for the signature of the District Collector of Customs concerned. After being signed, to be distributed or served, as follows:

- 1. Unit/Office in custody of articles Original
- 2. Chief, ACDD concerned 1 copy
- 3. Consignee/claimant 1 copy
- 4. Apprehending Unit/Office 1 copy
- 5. Director, POS 1 copy
- 6. Resident Auditor, COA 1 copy
- 7. Chief, Law Division concerned (file) 1 copy

Par. 4. Operational Provisions:

The Directors/Chiefs of services/divisions/offices hereunder mentioned shall be responsible for the performance of their corresponding functions, and shall adopt whatever measures may be found suitable, to ensure that action in every case is facilitated, and timely and accurate information disseminated.

4.1. Apprehending Unit (ESS/CIIS/Others).

- 4.1.1. Apprehends article/s and/or person/s violating Customs laws, rules and/or regulations;
- 4.1.2. Gathers all required information;
- 4.1.3. Prepares Apprehension Report and Request for Issuance of WSD;

Jonathan M. Wilson

emo-4990 3

- 4.1.4. Submits/furnishes original and copies to other offices within twenty-four (24) hours after apprehension;
- 4.1.5. Receives copy of signed WSD;
- 4.1.6. Coordinates in the location; inventory and turn-over of seized articles;
- 4.1.7. If in custody of articles, accomplishes return of WSD and submits to Law Division;
- 4.1.8. Conducts investigation preparatory to filing of appropriate criminal and/or administrative charges; and
- 4.1.9. Submits report and recommendations to the Commissioner of Customs, Attn: Legal Service; or
- 4.1.10. Where person/s involved are under detention, files appropriate criminal charges within time and coordinates with Legal Service in the prosecution of case.

4.2. Law Division concerned.

emo-4990

- 4.2.1. Receives original of Request for issuance of WSD and Apprehension Report;

- 4.2.2. Prepares appropriate WSD within 24 hours from receipt of request;

- 4.2.3. Presents WSD for signature of District Collector;

- 4.2.4. Retains one; serves one to consignee/claimant and furnishes to other offices

- 4.2.5. Copies of signed WSD; i.e., accomplish return of WSD and submits to Law Division;

- 4.2.6. Receives return of WSD;

- 4.2.7. Conducts investigation preparatory to filing of appropriate criminal and/or administrative charges; and

- 4.2.8. Proceeds to hear the seizure case in the Commissioner of Customs, Attn: Legal Service;

4.3. Auction and Cargo Disposal Divisions concerned

- 4.3.1. Receives copy of Apprehension Report;

- 4.3.2. Receives copy of WSD; i.e., Legal Service

Jordan M. Smith

Law Division concerned

- 4.3.1. Receives original of Request for issuance of WSD and Apprehension Report;

- 4.3.2. Prepares appropriate WSD within 24 hours from receipt of request;

- 4.3.3. Presents WSD for signature of District Collector;

- 4.3.4. Retains one; serves one to consignee/claimant and furnishes to other offices

4
Cmo-47-90

- 4.3.3. Coordinates with apprehending unit, the PIC/CCCD/Other agency in the location, movement, inventory and turn-over of seized articles;
- 4.3.4. Coordinates with Director, IAS in inventory and valuation of seized articles;
- 4.3.5. Receives articles in custody;
- 4.3.6. Records all particulars of articles;
- 4.3.7. Submits report on turn-over to POS;
- 4.3.8. Receives report of inventory and valuation; and
- 4.3.9. Submits report on turn-over to Law Division.

5.1. Legal Service.

- 5.1.1. Receives copy of Apprehension Report;
- 5.1.2. Checks with apprehending Unit/Office on particulars of the case;
- 5.1.3. Receives report and recommendations of apprehending unit/office;
- 5.1.4. Studies and prepares for the filing of appropriate criminal and/or administrative charges;
- 5.1.5. When necessary, requires more statements, documents or other proof;
- 5.1.6. Files the case/s; and
- 5.1.7. Where charges have been filed by apprehending unit against detained person/s, takes charge of the prosecution of the case.

6.1. Import and Assessment Service.

- 6.1.1. Receives copy of Apprehension Report;
- 6.1.2. Conducts inventory in the presence of representatives of apprehending unit/office, the ACDD concerned and the Resident Auditor;

Jawala H. Misra

CMO-47-90

- 6.1.3. Provides value to articles; and
- 6.1.4. Furnishes findings to Law Division concerned, ACDD concerned and the POS.

7.1. **Port Operations Service.**

- 7.1.1. Receives copy of Apprehension Report, records its contents and files;
- 7.1.2. Receives copy of WSD, records its contents and files;
- 7.1.3. Receives report of findings of inventory and valuation, records its contents and files;
- 7.1.4. Monitors the lag time between apprehension and issuance of the corresponding WSD; checks delayed action;
- 7.1.5. Collates information thus collected with those submitted under CMO-25-90; and
- 7.1.6. Prepares and submits periodic and special reports required by the Commissioner of Customs and other offices of the Bureau.

Par. 5. General Provisions:

1. In the implementation of this Order in customs districts and ports not within the Metro-Manila area, units/offices with the same or similar functions as those enumerated above shall perform the corresponding functions;
2. When copies of forms or reports are to be furnished the different Services, extra copies shall be prepared and furnished accordingly;
3. Each unit/office concerned shall maintain a separate record of receipts and transmittal of accomplished forms, documents and reports mentioned in this Order, including the time and date, and by whom delivered and received; and
4. The District Collectors of Customs concerned shall supervise and coordinate the implementation of this Order within their jurisdiction and shall ensure that material and manpower requirements are provided for.

Jawad M. Misra

emo-47-90

Par. 6. Repealing/Modifying Clause:

All orders, memoranda and circulars inconsistent with this order, in whole or in part, are hereby repealed and modified accordingly.

Par. 7. Effectivity:

This Order shall take effect on *July 23, 1990*.

of all and in the name of
SALVADOR M. MISON
Commissioner



Republic of the Philippines
Department of Finance
BUREAU OF CUSTOMS
Manila

E

CMO-47-90

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. _____

- versus -

x - - - - - x

Consignee/Claimant

WARRANT OF SEIZURE AND DETENTION

TO:

GREETINGS :

WHEREAS, the above-described articles were seized for having been imported in violation of _____

WHEREAS, the said article/s is/are at present in the custody of the _____

WHEREFORE, by virtue of the authority vested in me by law, and in compliance with pertinent customs laws, rules and regulations, you are hereby ordered to forthwith seize the aforementioned articles and turn them over to the custody of the Auction and Cargo Disposal Division of this Port. Compliance with Customs Memorandum Order No. 8-84, particularly on the matter of making a return of service and the submission of the inventory report or list of the article/s seized is to be strictly observed.

SO ORDERED.

Port of Manila, Philippines, _____

TITUS B. VILLANUEVA
District Collector of Customs
Port of Manila

cc:

1. Unit/Office in custody of articles
 2. Chief, ACDD concerned
 3. Consignee/claimant
 4. Apprehending Unit/Office
 5. Director, POS
 6. Resident Auditor, COA
 7. Chief, Law Division concerned
- (FILE)

CMO-47-90

OTHER PARTICULARS OF APPREHENSION:

Date: _____

Persons Present: _____

Place: _____

Time: _____

PRESENT WHEREABOUTS OF SHIPMENT:

Place: _____

Custodian: _____

RECOMMENDATION:

Apprehending Officer(s):

Print Name & Sign

Date and Time prepared:

Print Name & Sign

Copy furnished:

- 1. Chief, Law Division concerned
- 2. Director, ESS
- 3. Director, CIIS
- 4. Director, Legal Service
- 5. Director, POS
- 6. Director, IAS
- 7. Chief, ACDD
- 8. File (apprehending Unit)

Republic of the Philippines
Department of Finance
BUREAU OF CUSTOMS
Manila

Cmo-47-90

APPREHENSION REPORT

PARTICULARS OF SHIPMENT:

Vessel: _____
Date of Arrival: _____
Reg. No. _____
Port of Origin: _____
Port of Entry: _____
Manifested/Unmanifested/
Abandoned: _____

Entry No./T.P. No.: _____
Filed on: _____
Broker: _____
Declaration/Description of Merchandise:

Bill of Lading No.: _____
Consignee/Importer: _____
Address: _____
Container No.(s): _____
Marks & Nos.: _____

Customs Examiner: _____
Prin. Customs Examiner: _____
Customs Appraiser: _____
Prin. Customs Appraiser: _____

CAUSE OF APPREHENSION:

Misdeclaration/Misdescription:

Declared to contain: _____
Actually contain : _____

Undervaluation:

Valued at : _____ BASIS: _____
Should be : _____

Misclassification:

Classified under TH _____ at _____ %
Should be under TH _____ at _____ %

Others: Cite Laws, Rules, Regulations Violated:

