



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

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CUSTOMS MEMORANDUM ORDER
NO. 08-2019

TO : ALL CONCERNED

**SUBJECT : COOPERATION AND COORDINATION BETWEEN
THE BUREAU OF CUSTOMS (BOC) AND
PHILIPPINE DRUG ENFORCEMENT AGENCY
(PDEA)**

1. OBJECTIVES:

- 1.1 Provide a uniform rule in customs enforcement actions joined and participated in by deputized agents of PDEA;
- 1.2 Establish a system for secured sharing of information by and between BOC and PDEA;
- 1.3. Delineate the duties and responsibilities of agents of the BOC and PDEA in drug enforcement actions;
- 1.4 Operationalize the Memorandum of Agreement between the BOC and PDEA.

2. ADMINISTRATIVE GUIDELINES:

- 2.1 To clothe PDEA agents with authority to witness and participate in enforcement actions conducted within the customs zone, PDEA agents shall secure the necessary authorization or deputation from the Commissioner of Customs, pursuant to Section 214 of the CMTA. For this purpose, the Director General of PDEA, or his authorized representative, shall submit to the BOC the names of PDEA agents to be deputized.

For other areas where a separate authority has concurrent jurisdiction over goods such as PEZA or the Freeports, BOC shall not be responsible in securing authorization from the said authorities, whenever such authorization is required.

- 2.2 Once issued, the authorization shall be circularized by the BOC. For clear and effective monitoring, authorization or deputation issued in favor of PDEA agents shall be station-specific and shall be exercised

only within the areas specified. Should it be necessary to transfer the said deputized agents from one station to another, or to change the deputized agents in one station, PDEA shall inform the BOC of the said request for transfer or change of deputation.

3. OPERATIONAL GUIDELINES:

3.1 For efficiency and transparency, deputized PDEA agents shall be allowed access to designated examination areas as well as scanning premises of the BOC. PDEA agents who wish to witness the examination of shipments however, shall be given unhampered access. Examination of shipments however, shall be conducted by customs operations officer only.

3.2. In the conduct of examination by a customs operations officer, PDEA agents assigned thereat shall be allowed to utilize K9 units to identify items, boxes, receptacles or similar goods, which to their judgment may have been used to conceal prohibited drugs. The identified items shall be subjected to further examination by the operations officer, depending on the extent of examination the said agents will require.

For chemicals or precursors, PDEA shall be allowed to take samples of said chemicals for laboratory tests, if the identity of the chemicals cannot be ascertained during the examination. The result of the test shall be submitted to the BOC within 24 hours from sampling, unless a longer period is requested by PDEA. Otherwise, the shipment shall be disposed of accordingly.

3.3 Deputized PDEA agents shall likewise be allowed to request for the issuance of Alert Orders, based on intelligence information available to them. The request shall be accompanied by a justification sheet/verified Summary of Information (SOI) which shall specify the grounds for the request. The request for Alert shall be submitted to the Commissioner of Customs or, depending on proximity and urgency, directly with the District Collector where the alert shall be requested. In no case shall a request be acted upon without the required justification sheet or SOI.

3.4 An alert order issued by virtue of a request by PDEA shall be prioritized and the shipment subject of the alert order shall be examined, to the extent possible, within 24 hours, in the presence of PDEA agents and the consignee, broker or their representative. In no case however, shall examination be conducted without PDEA agents.

3.5 Alert Orders issued by the BOC on suspicion of unlawful importation of prohibited drugs or precursors shall likewise be prioritized. During the examination of said alerted shipments, PDEA agents shall be notified and required to witness the examination.

3.6 Any examination or inspection of goods made whether by reason of an alert order or the selectivity system shall be reflected in an examination report to be prepared by the customs operations officer. The report shall be signed by the agent/s who witnessed the examination, regardless of the disposition in the report. Any of the witnesses shall state in the report their objection or reservation, if there is any. Any witness to the examination who fails to sign the report without justifiable reason shall mean that the witness agrees with the finding and recommended disposition of the shipment.

Nothing in this provision however, shall bar any of the witnesses from submitting a separate report if he disagrees with the disposition, provided the report is submitted within 24 hours from submission of the examination report by the customs operations officer.

3.7 All requests and report of PDEA agents shall be collated by the District Collector where the agents are assigned, to be submitted to the Office of the Commissioner on the first Monday of the month, for monitoring and evaluation purposes.

3.8 Information gained by PDEA or its agents shall be shared with the Bureau of Customs. PDEA shall determine the accuracy and sensitivity of the information and, at its discretion, share or relay the information to the customs official it deems appropriate.

3.9 In the conduct of investigations, whether prior to or after a drug interdiction, the BOC shall provide relevant information or documents requested by PDEA, if said information or document is available. For timely and efficient exchange of information, requests for information or document shall, to the extent possible, specify the document or information so requested.

4. SEPARABILITY CLAUSE:

If any part of this Order is declared unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force and effect.

5. EFFECTIVITY:

This Order shall take effect immediately.



REY LEONARDO B. GUERRERO

Commissioner, BOC

FEB 13 2013