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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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U.P. LAW CENTER
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations

R FEB 05 2025 **D**
REGISTRATION

NO. 25-0142

VAR Registration
DATE: _____ BY: [Signature]

Date 03 FEB 2025

CUSTOMS MEMORANDUM ORDER
NO. 01-2025

SUBJECT: CREATION OF AN AD INTERIM CYBER INTELLIGENCE SECTION UNDER THE OFFICE OF THE DEPUTY COMMISSIONER, INTELLIGENCE GROUP

Section 1. Objectives. The creation of an ad interim Cyber Intelligence Section under the Office of the Deputy Commissioner, Intelligence Group (IG) is for the following purposes:

- 1.1. To effectively implement Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012", in the protection and safeguarding of cross-border e-commerce against customs fraud and other illegal trading acts that may be perpetrated through digital means; and
- 1.2. To strengthen the mandate of the IG to regularly and consistently gather intelligence information related to customs and economic activities through the implementation of Cyber Intelligence operations.

Section 2. Definition of Terms. For purposes of this Order, the following terms are hereby defined as follows:

- 2.1. **Bureau** – shall refer to the Bureau of Customs;
- 2.2. **Case Operations Plan (COPLAN)**¹ – shall refer to a definite target-specific activity to be conducted implementing an Intelligence Project;
- 2.3. **Cyber** – shall refer to a computer or a computer network, the electronic medium in which online communication takes place;²
- 2.4. **Cyber Enabled Smuggling** – shall refer to the fraudulent act of importing any goods into the Philippines, or the act of assisting in receiving, concealing, buying, selling, disposing or transporting

¹ Law Enforcement and Crime Mapping. *Studocu.com*
² cf. RA No. 10175, or the 'Cybercrime Prevention Act of 2012'



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such goods, with full knowledge that the same has been fraudulently imported, or the fraudulent exportation of goods, through the use of a computer or a computer network, or any other electronic means.³

- 2.5. **Cyber Intelligence** – shall refer to the process of gathering, analyzing, evaluating, and using information to prevent or mitigate Cyber Enabled Smuggling by studying the threat data and provide information on adversaries;⁴
- 2.6. **Cyber Intelligence Database** – shall refer to the representation of information, knowledge, facts, concepts, or instructions which are being gathered, analyzed, evaluated, prepared, processed or stored or have been gathered, analyzed, evaluated, prepared, processed or stored in a formalized manner and which are intended for use in a computer system;⁵
- 2.7. **Cyber Intelligence Offensive Operations** – shall refer to the activities that are strategically planned and implemented in order to gather, analyze, process and store information, knowledge, facts, concepts and/or instructions;
- 2.8. **Intelligence Project** – shall refer to a general intelligence plan of action to address a threat target/s through intelligence operations for the purpose of neutralizing that threat/s;⁶ and
- 2.9. **Open-Source Data** – shall refer to the data gathered from a program or software for which the original source code is made freely available and may be redistributed and modified.⁷

Section 3. Creation of the Cyber Intelligence Section. In the exigency of service and to strengthen the cyber intelligence capability of the Bureau, an ad interim **CYBER INTELLIGENCE SECTION (CIS)** is hereby created under the Office of the Deputy Commissioner, IG.

The Deputy Commissioner, IG shall exercise administrative and operational supervision and control over the CIS.

³ cf. CMTA, Title I, Chapter 1, Section 102 (nn).

⁴ cf. EC-Council. <https://www.eccouncil.org/cybersecurity/what-is-cyber-threat-intelligence/>

⁵ cf. Republic Act No. 10175, Section 3 (l).

⁶ Law Enforcement Intelligence Operations.

<https://www.ojp.gov/pdffiles1/Photocopy/134434NCJRS.pdf>

⁷ Information Technology Gartner Glossary. <https://www.gartner.com/en/information-technology/glossary/open-data>



Section 4. Functions. The CIS shall perform the following functions:

- 4.1. Advise the Deputy Commissioner, IG on matters pertaining to Cyber Intelligence operations against Cyber Enabled Smuggling and other Customs related activities;
- 4.2. Formulate policies, procedures, and programs in the conduct of Cyber Intelligence activities and regularly update Cyber Intelligence action plan;
- 4.3. Conduct Cyber Intelligence operations to identify personalities or groups engaged in Cyber Enabled Smuggling and initiate profiling of identified personalities and persons of interest;
- 4.4. Formulate and implement Case Operations Plan for specific Cyber Intelligence Projects;
- 4.5. Maintain close coordination and collaboration with other government agencies and instrumentalities engaged in Cyber Intelligence operations;
- 4.6. Maintain Cyber Intelligence database and implement platforms in cyber intelligence purposes; and
- 4.7. Perform other functions as directed by the Deputy Commissioner, IG or the Commissioner.

Section 5. Composition. To effectively implement the functions under this Order, the CIS shall be headed by a **Section Chief**, to be supported by an **Assistant Section Chief**, and shall be composed of the following units:

- 5.1. **Administrative and Logistics Unit** which shall provide administrative and logistical support to the Section, such as but limited to document control, asset procurement and maintenance, and contact management.
- 5.2. **Operations Unit** which shall be responsible for the identification, detection, and targeting of Cyber Enabled criminal activities related to Customs fraud and other illegal trading acts, through collection of information, formulation and implementation of Case Operation Plan, and conduct of Cyber Intelligence Offensive Operations.
- 5.3. **Production and Records Unit** which shall be responsible for the systematic management of cyber files and records, and

analysis and generation of gathered intelligence data necessary in the formulation of Cyber Intelligence action plan.

Section 6. Operational Provisions.

6.1. The CIS shall submit an Intelligence Project proposal to the Deputy Commissioner, IG for review and favorable action. The Intelligence Project may arise out of a derogatory information, and/or policy direction of the Commissioner or Deputy Commissioner, IG.

6.2. Once an Intelligence Project proposal is finalized, the Deputy Commissioner, IG shall forward the same to the Commissioner for approval.

6.3. An approved Intelligence Project shall, among others, cover the following features:

6.3.1. Responsible Officers:

- a. Commissioner – Project Director;
- b. Deputy Commissioner, IG – Project Supervisor; and
- c. Section Chief, CIS – Project Officer.

6.3.2. Offices/Officers which may receive initial findings in the development of specific target or personality.


6.4. The CIS shall conduct cyber intelligence operations and other target research activities in accordance with the approved Intelligence Project. All information and data gathered shall be properly recorded, analyzed and deposited in the Cyber Intelligence Database and disseminated for information or operational use of pertinent offices.

The Deputy Commissioner, IG may issue Mission Orders in the conduct of these activities.

6.5. The Section Chief, CIS may share intelligence information that are relevant and complement other Intelligence Projects of IG with the approval of the Deputy Commissioner, IG.

6.6. A Cyber-Intelligence Brief shall be submitted to Deputy Commissioner, IG regularly.

6.7. Once a specific target has been identified, the Section Chief, CIS shall recommend a COPLAN to the Deputy Commissioner, IG for approval. Provided that, if a Letter of Authority (LOA) is needed,

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the issuance of the LOA and the Mission Order shall be governed by CAO No. 3-2019.

- 6.8. The Section Chief, CIS shall ensure that the documents related to the implementation of the COPLAN shall be secured for evidentiary purposes, and the implementors thereof shall be available as witnesses in case a criminal complaint, or administrative or civil action is filed.

Section 7. Administrative Support.

- 7.1. Deployment of personnel to the CIS shall be covered by the corresponding Customs Personnel Order.
- 7.2. The funding requirement for the operations of the CIS, including the provisions for necessary office equipment and IT assets, shall be sourced from the budget of the Bureau, subject to compliance with accounting rules and regulations.

Section 8. Confidentiality of Information.

- 8.1. The Bureau recognizes its responsibilities under Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012, CMO No. 16-2021 on the Bureau of Customs Data Privacy Manual and CMO No. 01-2022 on Bureau of Customs Information Security Policy, with respect to the data that shall be collected, recorded, organized, updated, used, or consolidated from its stakeholders.

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- 8.2. All personal data and/or propriety information obtained from the implementation of Cyber Intelligence Operations shall be deemed confidential.
- 8.3. Unlawful disclosure of confidential information arising from the implementation of Intelligence Project or COPLAN shall be subject to penalties pursuant to Section 1431 of the Customs Modernization and Tariff Act, the Data Privacy Act, and other laws, rules and regulations.

Section 9. Separability Clause. Should any provision of this Order be declared invalid, other provisions unaffected thereby shall remain valid and subsisting.

Section 10. Effectivity. This Order shall take effect immediately and shall last until revoked.

BIENVENIDO Y. RUBIO
Commissioner
[Signature]



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