

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 295

AMENDING EXECUTIVE ORDER NO. 8 CREATING A
PRESIDENTIAL ANTI-ORGANIZED CRIME COMMISSION, TO
INVESTIGATE AND PROSECUTE CRIMINAL ELEMENTS IN THE
COUNTRY

WHEREAS, there is a need to formally place under the Presidential Anti-Organized Crime Commission the various Task Forces against organized crimes;

WHEREAS, a sustained, relentless and dedicated campaign to minimize organized and syndicated crimes as well as to neutralize their protectors in government are among the priorities of the administration;

WHEREAS, the Administrative Code of 1987 empowers the President with the continuing authority to reorganize the Office of the President and to transfer functions from one department or agency to another;

WHEREAS, the creation of the Presidential Anti-Organized Crime Task Force and other task forces especially tasked to investigate and prosecute criminal syndicates and their protectors is imperative to bring about focus and substantive results in the campaign against criminality and corrupt practices;

WHEREAS, there is a need to identify and effectively prosecute criminal groups and their protectors in government through efficient intelligence and counter-intelligence efforts;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. ORGANIZATION. There is hereby created a Presidential Anti-Organized Crime Commission (PAOCC), hereinafter referred to as the Commission, under the Office of the President.



The existing task forces against organized crimes shall be under the control and supervision of the Commission.

The President may create or abolish task forces or special project groups as the need arises.

SECTION 2. COMPOSITION. The Presidential Anti-Organized Crime Commission shall be composed of the following:

The President	--Chairman
The National Security Adviser	--Vice-Chairman
The Secretary of Justice	--Member
The Secretary of the Interior and Local Government	--Member
The Secretary of National Defense	--Member
The Chief of Staff, Armed Forces of the Philippines	--Member
Director-General, Philippine National Police	--Member
Four (4) representatives from the Private Sector to be appointed by the President	--Member

The Chairman of the Commission may create an Executive Committee, define its functions and designate its members from among the members of the Commission.

The Commission shall exercise general control and supervision over the Task Forces or Special Project Groups. It shall enlist the assistance of civic and other similar associations and provide a forum for continuing consultation among concerned sectors of our society leading to the formulation of policies to be recommended to the President in the form of issuances and legislation.

SECTION 3. POWERS AND FUNCTIONS OF THE COMMISSION. The Presidential Anti-Organized Crime Commission (PAOCC) shall have the following powers and functions:

- a. Prepare and implement a fast track anti-crime and anti-graft and corruption action agenda and adopt appropriate measures to ensure an effective and efficient anti-crime drive;



- b. Conduct intelligence and counter-intelligence operations to identify government officials and employees, crime syndicates and their cohorts who are involved in criminal activities;
- c. Cause or direct the immediate arrest, investigation and speedy prosecution of crime syndicates, government officials and employees and their cohorts, with due regard to constitutional processes;
- d. Refer the cases at hand, as the Commission or the Task Forces, may deem proper and necessary, to the Department of Justice, and/or other appropriate law enforcement agencies for investigation or prosecution, as the case may be;
- e. Follow-up the progress of on-going investigation and prosecution of cases taken cognizance of by the Task Forces;
- f. Recommend the passage of appropriate anti-crime issuances and legislations;
- g. Select and recruit personnel from within the PNP, the AFP and other law enforcement agencies for assignment to the Task Forces subject to the conformity of the agency concerned;
- h. Enlist the assistance of any department, bureau, office, agency or instrumentality of the Government, including government-owned and/or controlled corporations, in the anti-crime and anti-graft and corruption drive, which may include the use of their respective personnel, facilities and resources for a more resolute prevention, detection and investigation of crimes and prosecution of their perpetrators;

Subject to the existing laws, grant monetary rewards or incentives to informants giving vital information leading to the successful prosecution of criminal offenders and corrupt government officials;

- j. Coordinate with the Witness Protection Security and Benefits Program Committee of the Department of Justice to evaluate and assess witnesses who may qualify under the provisions of Republic Act No. 6981, otherwise known as the Witness Protection and Benefit Act;



- k. Subject to the approval of the President, authorized access to documents, installations and facilities in pursuit of specific crime investigation over government agencies and government-owned or controlled corporations; and

Recruit civilian personnel and enlist their services for intelligence gathering efforts.

SECTION 4. OFFENSES COVERED. The Presidential Anti-Organized Crime Commission shall have the authority to take cognizance of the following crimes:

- a. Those committed by organized/syndicated crime groups, including but not limited to gunrunning, illegal logging, robbery/hold-up, kidnapping for ransom, white slavery, illegal recruitment, carnapping, smuggling, piracy, drug trafficking, falsification of land titles and other government forms, large scale swindling, film piracy, counterfeiting and bank frauds;
- b. Those considered and punished as heinous crimes under Republic Act No. 7659 (Heinous Crime Law);
- c. Those committed by the members of the Philippine National Police and/or the Armed Forces of the Philippines;
- d. Those committed by officials and employees of government agencies including government agencies including government-owned and controlled corporations;
- e. Such other criminal offenses as the President may determine from time to time.

An organized/syndicated crime group for purposes of this Executive Order means a group of two or more persons collaborating, confederating or mutually helping one another in the commission of any crime and sometimes enjoying the protection of people in the government and public service.

The President of the Philippines shall delineate and identify the specific offenses or crimes that will be handled by the Task Forces or Special Project Groups.

SECTION 5. AGENCIES ASSISTANCE. In the performance of its functions, the Commission and its Task Forces or Special Project Groups may call for assistance from any government agencies and instrumentalities including local governments.

SECTION 6. COMPOSITION AND LEADERSHIP OF TASK FORCES.

The Task Forces or Special Project Groups shall be composed of selected PNP/AFP members and representatives from other government agencies. The Head of the Task Forces/Special Project Groups shall be appointed or designated by the President.

SECTION 7. COMMAND AND CONTROL. The flow of command and control of the Task Forces shall be as follows:

- a. The Task Force Chief shall report and be directly responsible to the President;
- b. The Task Force Chief shall have immediate supervision and control over all units of the Task Forces. He is authorized to designate duties and functions of personnel under him;
- c. The component units from the PNP, AFP, DOJ and selected/chosen representatives of other government agencies shall be attached to the Task Forces by their respective mother units. The Task Forces shall have direct operational and supervisory authority over these personnel.

SECTION 8. FUNDING. The budget of the Presidential Anti-Organized Crime Commission and its Task Forces shall be incorporated in the budget proposal of the Office of the President.

The Chairman of the Commission shall determine the budgetary allocation of the Task Forces/Special Project Groups, law enforcement agencies and the Armed Forces of the Philippines that are involved in the campaign against organized crimes.

SECTION 9. OPERATING GUIDELINES. The Commission and the Task Forces/Special Project Groups shall adopt, in coordination with concerned law enforcement agencies, such operating guidelines as may be necessary to implement this Executive Order, subject to the approval of the President. It shall submit to the President through the Commission, reports of its activities with appropriate recommendations for the information and guidance of the President.

The existing Task Forces shall continue to perform their respective functions as provided in the Executive Orders creating them except those provisions that are inconsistent with the provisions of this Executive Order.



SECTION 10. COORDINATING INSTRUCTIONS. The intendment of this issuance is to put strong and intensified focus against organized/syndicated crimes, heinous and related offenses to be addressed by the task Forces in the course of the government's anti-crime campaign, while the Philippine National Police (PNP) shall continue to be the primary general law enforcement agency of the country pursuant to Republic Act No. 6975, as amended. Accordingly, close coordination and cooperation shall be undertaken by the Chief of the Task Forces, the Chief, PNP and other heads of law enforcement agencies, to insure synergy in the overall anti-crime campaign. Vertical and lateral coordination among operating units, consistent with the security need to prevent compromise in police operations, is hereby enjoined.

SECTION 11. REPEALING CLAUSE. Any provision of Executive Order No. 8 issued on July 22, 1998, Executive Order No. 61 issued on January 15, 1999 and Executive Order No. 62 issued on January 15, 1999 inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 12. EFFECTIVITY. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 23th day of September in the year of Our Lord, Two Thousand.


JOSEPH EJERCITO ESTRADA

By the President:

RONALDO B. ZAMORA
Executive Secretary

LIBRARY

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Oct 04 2000
Date

