



MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 363

BROADENING THE POWERS OF THE COMMISSIONER OF CUSTOMS TO
COMBAT SMUGGLING

WHEREAS, the prevention and suppression of smuggling is an urgent concern of the administration;

WHEREAS, current laws and regulations limit the power to the Commissioner of the Bureau of Customs (BOC) to combat smuggling only within the Customs area;

WHEREAS, the Economic Intelligence and Investigation Bureau (EIIB) which used to combat smuggling outside the Customs area has been abolished by a previous administration;

WHEREAS, the government re-engineering policy is to avoid creating agencies but rather to consolidate similar or related functions within one agency;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Anti-Smuggling Functions of the Defunct EIIB. – The anti-smuggling functions of the defunct EIIB shall be exercised by the Commissioner of Customs.

SECTION 2. Powers and Functions. - To combat smuggling, the Commissioner shall exercise the following powers and functions:

1. Prepare and implement appropriate and effective measures to prevent and suppress all forms of smuggling especially: rice, sugar, vegetables, vehicles, alcohol, and dangerous drugs;
2. Effect searches, seizures and arrests on smuggling cases or apply for issuance of judicial warrant as may be necessary;
3. Investigate, file and prosecute criminal, civil and administrative cases against smugglers;



PGMA Hologram # 27769



5. Enlist the assistance of any department, bureau, office or agency or instrumentality of the government, including government-owned or controlled corporations to carry out anti-smuggling functions, including its personnel, facilities and resources;
6. Perform such other functions and carry out activities as may be directed by the President.

SECTION 3. Special Team of Prosecutors. - To assist the Commissioner in the expeditious prosecution of criminal and other cases involving smuggling, a Special Team of Prosecutors from the Bureau of Customs shall be organized. The team shall have the following powers and duties:

1. To evaluate evidence gathered and to determine whether or not smuggling has been committed.
2. To initiate and conduct investigations and to file and prosecute appropriate civil, administrative and criminal charges against person(s) responsible for smuggling.

The Special Team of Prosecutors may be assisted by lawyers selected and recruited by the Commissioner from other government agencies with the conformity of their respective heads.

The Commissioner may assign any other BOC lawyer in the concerned port of entry to prosecute cases whether administrative, civil or criminal.

SECTION 4. Support from Other Agencies. - The following agencies shall assign technical and special staff to assist the Commissioner in anti-smuggling:

- a. Bureau of Customs
- b. Armed Forces of the Philippines
- c. Philippine National Police
- d. Philippine Coast Guard

All heads of government agencies, the functions of which are related to the provisions of this Executive Order shall, whenever the circumstances so warrant and upon request of the Commissioner of Customs, assist the Commissioner in terms of exchange of information, manpower, facilities and resources. Such request for assistance must be given priority by the agency concerned.

Likewise, the heads of departments or agencies, the duties of which include the issuance of Import Permits as a requirement prior to importation are hereby directed to coordinate with the Commissioner in all matters pertaining to such issuances. Said agencies shall periodically update the Commissioner on the Import Permits issued.

SECTION 5. Self-Implementation. - This Executive Order shall be self-implementing and no additional rules and regulations shall be necessary to commence its implementation.



PGMA Hologram # 27770



SECTION 6. Funding. – The Commissioner shall allocate funds drawn from the BOC and such other funding sources as may be recommended by the Department of Budget and Management for anti-smuggling. Thereafter, appropriations for the succeeding years shall be incorporated in the budget proposal of the Bureau of Customs.

SECTION 7. Private Sector Consultation. – The Commissioner may consult with the concerned private sector and other stakeholders as may be necessary.

SECTION 8. - Repealing Clause. – All previous orders, issuances, rules and regulations, or parts thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 9. – Effectivity. – This Executive Order shall take effect immediately.

DONE in the City of Manila, this 27th day of September in the year of Our Lord, Two Thousand and Four.

Gloria Arroyo



By the President:

Eduardo R. Ermita

EDUARDO R. ERMITA
Executive Secretary

