

[EXECUTIVE ORDER NO. 297, March 10, 2004]

CREATING THE OFFICE OF THE ANTI-SMUGGLING PRESIDENTIAL ADVISER

WHEREAS, smuggling and other acts contrary to customs law committed on a large scale or by criminal syndicates pose a serious and direct threat to the national economy by depriving the government of much-needed revenues and unfairly competing with legitimate businesses and to the national security through the introduction into the country of dangerous drugs or prohibited articles;

WHEREAS, to maximize the capability of law enforcement agencies and optimize the utilization of government resources in its campaign against smuggling, a Cabinet-level Presidential Adviser must orchestrate and oversee a consolidated anti-smuggling campaign;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize the administrative structure of the Office of the President.

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. *Creation.* – There is hereby created the Office of the Anti-Smuggling Presidential Adviser ("Adviser") under the Office of the President. Its principal mission is to provide advice and recommendation to the President on matters relating to acts contrary to the Tariff and Customs Code of the Philippines (Republic Act {R.A} No. 1937), as amended, committed on a large scale or by criminal syndicates, and to ensure that there is a national campaign against smuggling wherein all involved law enforcement and counteraction agencies are operating as part of an integrated and coordinated pro-active effort. Based on guidelines issued by the President, the Presidential Adviser shall formulate policies, develop strategies, and execute programs of action for a consolidated effort to preempt, prevent and suppress smuggling, arrest smugglers and their accessories and cause their speedy prosecution. Anti-Kidnapping Presidential Adviser Angelo T. Reyes is hereby designated Anti-Smuggling Presidential Adviser. As used in the Executive Order:

- a. Acts contrary to R.A. No. 1937, as amended, shall be deemed to be committed on a large scale when these acts involve the importation of goods or contraband with a determinable value of at least Five Million Pesos (P5,000,000.00); and b. Acts contrary to R.A. No. 1937, as amended, shall be deemed to be committed by a syndicate when carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out these unlawful acts.

SECTION 2. *Oversight Committee.* – There is hereby created an Oversight Committee to ensure the execution by active participation of the involved law enforcement and counteraction agencies of the anti-smuggling action programs. The Oversight Committee shall be composed of the following:

Anti-Smuggling Presidential Adviser
Chairman Secretary of Finance
Vice-Chairman Secretary of the Interior and Local Government
Member Secretary of National Defense
Member Secretary of Justice
Member Secretary of Agriculture
Member Secretary of Trade and Industry
Member Secretary of Transportation and Communications

SECTION 3. *Functions.* – In pursuance of the government's firm resolve in applying the full force of the law against smugglers, the Adviser is mandated to discharge the following functions:

a. Formulate strategies and plans for a coordinated and integrated implementation of measures aimed at preventing, preempting and suppressing smuggling and other acts contrary to R.A. No. 1937; b. Direct the conduct of anti-smuggling intelligence operations, utilizing all available government instrumentalities, to detect smuggling or other acts contrary R.A. No. 1937 and to arrest smugglers, including their coddlers and accessories; c. Establish a mechanism for an interactive and coordinative mode of operations to ensure operational effectiveness with utmost economy and efficiency; d. Exercise operational supervision and control over all existing anti-smuggling agencies and task forces, jointly with the Secretaries of the Departments to which the agencies and task forces organically belong. For this purpose, "operational supervision and control" shall refer to the power to direct, superintend, and oversee the day-to-day activities to preempt, prevent and suppress smuggling, arrest smugglers and their accessories and cause their speedy prosecution; e. Hire personnel and select personnel from participating law enforcement agencies for assignment to task forces and special project groups; f. Cause or direct the immediate investigation and speedy prosecution of cases involving smuggling and monitor the progress of such cases; g. Grant monetary rewards and incentives to informants who are willing to give vital and material information for building up cases for the prosecution of smuggling suspects; h. Exercise the powers of search and seizure under R.A. No. 1937, as amended, for the enforcement of tariff and customs laws pursuant to the special written authorization issued by the Commissioner of Customs; i. Assist in the administrative seizure proceedings involving the articles seized; j. Recommend the issuance of appropriate policies and/or the legislation of laws that would hasten the arrest and prosecution of smugglers and their accessories; k. Recommend the admission of vital witnesses into the Witness Protection and Security Benefit Program administered by the Department of Justice (DOJ); l. Recommend to the DOJ, in proper cases, the issuance of subpoena ad testificandum and subpoena duces tecum; m. Perform such other actions as may be necessary for the effective discharge of his mandate in accordance with law; and n. Exercise such other functions and powers as may be directed by the President.

SECTION 4. *Staff support.* – The Adviser shall receive staff support from the Presidential Anti-Organized Crime Commission. The Support Staff shall be headed