

[EXECUTIVE ORDER NO. 196, January 12, 2000]

**CREATING THE PRESIDENTIAL ANTI-SMUGGLING TASK FORCE
"ADUANA" TO INVESTIGATE AND PROSECUTE CRIMES
INVOLVING LARGE-SCALE SMUGGLING AND OTHER FRAUDS
UPON CUSTOMS, OTHER ECONOMIC CRIMES AND PROVIDING
MEASURES TO EXPEDITE SEIZURE PROCEEDINGS**

WHEREAS, large scale smuggling and frauds upon customs and other related illegal practices continue to undermine the national interest and security;

WHEREAS, the prevention and suppression of smuggling and other related fraudulent practices against customs laws is one of the urgent concerns of the administration, an essential requirement for the success of the government's economic reforms;

WHEREAS, the creation of presidential body directly mandated and empowered to investigate and prosecute large-scale smuggling and other illegal or unlawful importations is necessary to effectively counteract this form of economic sabotage and strengthen our system of enforcement of revenue laws;

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;

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. Creation of Task Force. - There is hereby created a Presidential Anti-Smuggling Task Force, hereinafter called the "Task Force Aduana," under the control and supervision of the Office of the President principally to combat smuggling, unlawful importations and other frauds upon customs committed in large scale or by organized and syndicated groups.

SEC. 2. Composition. - The Task Force shall be composed of elements from the Presidential Security Group (PSG) and intelligence Service, Armed Forces of the Philippines (ISAFP). If necessary, the Task Force shall be augmented by other elements of the Philippine Army, Philippine Air Force, Philippine Navy and the National Intelligence Coordinating Agency (NICA).

The Task Force shall be headed by a senior AFP General Officer, to be designated by the President. A deputy who shall likewise be designated by the President shall assist him.

SEC. 3. Powers and Functions. - The Task Force shall have the following powers and functions:

1. To prepare and implement appropriate and effective measures to prevent and suppress large-scale smuggling and other prohibited and unlawful importations;
2. To effect searches, seizures and arrests, and for the Task Force Commander to file administrative and criminal cases conformably with the provisions of the Tariff and Customs Code of the Philippines, as amended, pertinent provisions of the Revised Penal Code, as amended and the Rules of Criminal Procedure;
3. To conduct intelligence and counter-intelligence on smuggling and other unlawful importations, including the monitoring of situations, circumstances, activities of individual, groups and entities who are involved or who are reasonably believed to be involved in smuggling activities;
4. To select and recruit personnel from within the PSG and ISAFP for assignment to the Task Force with the conformity of the office or agency concerned;
5. To enlist the assistance of any department, bureau, office or agency or instrumentality of the government, including government-owned or controlled corporations, to carry out its functions, including the use of their respective personnel, facilities and resources;
6. To conduct investigation of ill-gotten wealth of all persons including government officials involved in smuggling activities, in coordination with other government agencies.
7. To conduct verification with the Bureau of Customs of all documents pertaining to payment of duties and taxes of all imported articles.
8. To suppress and prevent all other economic frauds as may be directed by the President.
9. To perform such functions and carry out such activities as may be directed by the President.

SEC. 4. Offenses Covered. - The Task Force shall have the authority to take cognizance of the following crimes:

- a) Smuggling and customs frauds committed by organized or syndicated groups or criminal enterprises.
- b) Smuggling and other false and fraudulent importations or violations of customs laws committed in large scale.
- c) Such other cases of violations of the Tariff and Customs Code, as amended, and other related laws as the President may determine from time to time.

Smuggling and other customs frauds and violations of customs laws shall be deemed committed by a syndicate if carries out by a group of three (3) or more persons conspiring or confederating with or mutually helping one another in carrying out the criminal acts. They shall be deemed committed in large scale if committed in connivance with officials and employees of the Bureau of Customs or where the