

[EXECUTIVE ORDER NO. 45, December 03, 1998]

CREATING A PRESIDENTIAL ANTI-SMUGGLING TASK FORCE TO INVESTIGATE AND PROSECUTE CRIMES INVOLVING LARGE-SCALE SMUGGLING AND OTHER FRAUDS UPON CUSTOMS AND PROVIDING MEASURES TO EXPEDITE SEIZURE PROCEEDINGS

WHEREAS, large-scale smuggling and frauds upon customs and other related illegal practices 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;

WHEREAS, the creation of a presidential body particularly tasked 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 reorganized 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," 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 senior officials from the following agencies: The Office of the President, the Department of Finance, the Department of Justice, the Bureau of Customs, the Bureau of Internal Revenue, the Economic Intelligence and Investigation Bureau, the National Bureau of Investigation, the Philippine National Police and the Intelligence Service of the Armed Forces of the Philippines.

The Task Force shall be headed by a qualified senior law enforcement officer to be designated by the President. He shall be assisted by a deputy who shall likewise be designated by the President.

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 and seizures conformably with the provisions of the Tariff and Customs Code, as amended, and to cause or direct the immediate arrest, investigation and speedy prosecution of smugglers and illegal importers;
3. To conduct intelligence and counter-intelligence on smuggling and other unlawful importations, including the monitoring of situations, circumstances, activities of individuals, 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 PNP and other law enforcement agencies 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 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, 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 carried out by a group of three 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 determinable value of importations exceeds P1Million.

SEC. 5. ORGANIZATIONAL SUPPORT. — The Task Force shall organize technical, administrative and special staffs composed of personnel assigned or detailed to the Task Force by the different agencies called to assist the Task Force. The head of the Task Force shall delineate the respective responsibilities of the supporting staffs.

SEC. 6. SPECIAL TEAM OF PROSECUTORS. — To assist the Task Force in the expeditious prosecution of criminal and other cases involving syndicated and large scale smuggling and customs frauds, a Special Team of Prosecutors from the Department of Justice shall be assigned to the Task Force. The team shall have the following powers and duties:

1. To evaluate evidence gathered by the Task Force and to determine whether or not violations of the Tariff Code or Customs Code, as amended, and other related laws and regulations have been committed;