

[NFA MEMORANDUM AO-94-05-020, April 25, 1994]

PROCEDURE IN THE ENFORCEMENT OF NFA LETTER CIRCULAR NO. (IR)-94-01, DATED 21 APRIL 1994 ON ILLEGAL IMPORTATION OF FANCY RICE, POSSESSION AND/OR SELLING OF THE SAME

By virtue of the powers vested in me by Presidential Decree No. 4, as amended, and as delegated by NFA Council dated 06 April 1994, particularly "to curb illegal importation of fancy variety rice" embodied in the attached copy of Council Resolution No. 60-94, all officials/personnel of the National Food Authority and such other government agencies who may be deputized to assist in carrying out the foregoing function, shall observe the following guidelines and procedures:

- a. Any deputized enforcement officer(s) shall have the power to arrest any person for violation of the attached copy of Letter Circular No. (IR)-94-01 dated 21 April 1994;
- b. Arrest without warrant of arrest; right to seizure;
 - i) When the person to be arrested has committed, or is about to commit the offense in his presence;
 - ii) When an offense has in fact been committed and he has reasonable ground to believe that the person to be arrested has committed it;
 - iii) After an arrest is made, it shall be the duty of the arresting officer(s) to deliver the arrested person(s) before the proper authorities immediately;
 - iv) In any case, it shall be the duty of the apprehending officer(s) to disclose his official character or authority to make such arrest and to show such authority for inspection when so demanded;
 - v) Under the foregoing circumstances, the deputized enforcement officer(s) shall also immediately (even in the absence of a court order) seize the commodities and follow the procedures prescribed in the next following paragraph with respect to making an inventory, issuance of receipt, safekeeping and disposing of the same;
- c. Whenever the foregoing circumstances do not exist but the deputized enforcement officer(s) has strong personal belief that some stocks of illegal or unauthorized imported rice are being hidden or is in the possession of a person, store or establishment, the deputized officer(s) shall apply with the proper court for the issuance of a search/seizure order. It is only upon the issuance by the court of a search/seizure order that the apprehending officer shall enter the premises where such commodities are hidden or located and make the seizures. Immediately after the seizure, the deputized enforcement officer(s) shall file the appropriate charge with the Fiscal's Office or in the Municipal Trial Court, as the case may be, in the place where the alleged violation is committed.