

EXECUTIVE ORDER NO. 57 PMS LIBRARY
MFN 6884

**CREATING A SPECIAL HEARING DIVISION AND A TEAM OF
PROSECUTORS IN THE BUREAU OF CUSTOMS TO EXPEDITE
SEIZURE PROCEEDINGS AND PROSECUTE OFFENDERS**

WHEREAS, there has been an increase in the number of smuggling cases that have deprived the government of revenue;

WHEREAS, there are Collection Districts of the Bureau of Customs that need lawyers to act as government prosecutors and hearing officers in seizure cases;

WHEREAS, government interest and that of the importers require that seizure proceedings be conducted in an expeditious manner but without sacrificing the basic requirement of due process;

WHEREAS, the President of the Republic of the Philippines has the continuing power to reorganize the National Government as provided under Presidential Decree No. 1416, as amended by Presidential Decree No. 1772 and Executive Order No. 292, otherwise known as the Administrative Code of 1987;

NOW, THEREFORE, I, PRESIDENT JOSEPH EJERCITO ESTRADA, do hereby order the following:

Section 1. **Declaration of Policy**. It shall be the policy of the state to protect and develop the national economy and general welfare by increasing the collection of government revenues, particularly import duties and taxes, and the suppression of all forms of fraudulent practices and other violations of the Tariff and Customs Code and other laws being enforced by the Bureau of Customs.

Section 2. The Special Hearing Division and Special Team of Prosecutors.

A. In order to carry out the foregoing policy, a Special Hearing Division under the Deputy Commissioner for Revenue Collection and Monitoring is hereby created with the following objectives:

1. To institute an orderly, fair and speedy conduct of seizure proceedings, particularly, when they involve sensitive articles, or when the appraised value of the seized articles exceed Two Million Pesos (P2,000,000.00);



2. To establish and maintain the legality and integrity of the seizure proceedings; and
- B. A Special Team of Prosecutors under the Deputy Commissioner for Intelligence and Enforcement Group is likewise created with the following objectives:
1. To act as legal consultants to the Presidential Task Force Against Smuggling;
 2. To evaluate evidence gathered by the task force and make a determination of whether or not an infringement of the Tariff and Customs Code or related laws and regulation has been committed;
 3. To recommend for the issuance of Warrant of Seizure and Detention in appropriate cases and coordinate with other prosecuting arms of the government in filing the appropriate administrative and criminal charges against persons responsible for the violation of the Tariff and Customs Code or other laws implemented/enforced by the Bureau of Customs.

Section 3. **Powers, Functions and Responsibilities**

- A. The Special Hearing Division shall have the following powers and functions:
1. To call the parties to a pre-trial conference to enter into stipulations of facts and determine the issues involved in the controversy;
 2. To rule on motions made by either or both parties in the proceedings;
 3. To issue interlocutory orders and subpoena duces tecum and subpoena ad testificandum;
 4. To conduct expeditious, and if warranted, marathon hearings, the period of which shall not exceed thirty (30) days;
 5. To recommend to the Collector of Customs a decision within ten (10) days from the completion or termination of the formal hearing, which decision shall be submitted to the Collector of Customs concerned for his signature;
 6. If the hearing officer deems it unnecessary to conduct a full trial on the controversy, he may require the parties to submit their memoranda within a period of five (5) days and he shall

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recommend a decision to the Collector of Customs within ten (10) days from the submission of the pleadings. Motion for extension of time to submit memoranda shall not be allowed and shall be considered a prohibited motion.

- B. The Special Team of Prosecutors shall likewise have the following powers and functions:
1. To conduct preliminary investigation and issue the necessary subpoenas to concerned persons who may be potential witnesses in the Seizure Proceedings to be instituted against the articles or goods involved in the unlawful importation or exportation;
 2. To consult with the Legal Service, Bureau of Customs on matters involving appreciation and evaluation of evidences as well as in the formulation of legal strategies to be used during the actual hearing;
 3. To recommend for the filing of appropriate administrative and criminal charges against those individuals involved in the unlawful importation.

Section 4. Composition and Operational Control

- A. The Special Hearing Division shall be under the direct control of the Deputy Commissioner for Revenue Collection and Monitoring and shall be composed of at least six (6) members to be selected from the Law Divisions of POM, NAIA and MICP upon the recommendation of the respective Division Chiefs thereat.

All cases shall be assigned to each member on a rotation basis.

- B. The Special Team of Prosecutors shall be directly under the Deputy Commissioner for Intelligence and Enforcement Group who shall be composed of as many members depending upon the volume of work and the discretion of the said Deputy Commissioner.

The (Special Team of Prosecutors) shall be selected from the lawyers presently assigned at the ESS, CISS and Legal Service.

Section 5. **Issuances of the Necessary CPO's and Travel Order.** It shall be the responsibility of the Deputy Commissioner for Internal Administration Group to issue the required CPO's and/or Travel Order to the members of both the Special Hearing Division and Special Team of Prosecutors subject to approval of the Secretary of Finance in accordance with Executive Order No. 47 dated December 8, 1998.



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Section 6. **Rights and Privileges.** In view of the sensitive nature of their functions as herein before provided, the members of the Special Hearing Division and Special Team of Prosecutors shall be entitled to the following privilege:

- a. Free transportation and hotel accommodation in cases where the hearing is to be held outside Metro Manila;
- b. Per diems at the rate authorized under existing regulations;

Hazard Pay and a monthly allowance of P5,000.00 to be drawn from the budget appropriated for this purpose by the Bureau of Customs;

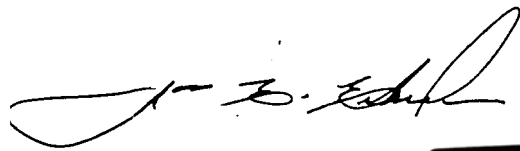
Section 7. **Adoption of Customs Administrative Order No. _____** The provision of Customs Administrative Order No. _____ is hereby adopted.

Section 8. **Repeal by Modification.** Any provision of administrative orders, memorandum orders or other issuances inconsistent herewith are hereby repealed or modified accordingly.

Section 9. **Separability Clause.** If any provision of this Executive Order shall be held unconstitutional, the other provisions shall not be affected.

Section 10. **Effectivity.** This Executive Order shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or any newspaper of general circulation.

Done in the City of Manila this 09th day of January in the Year of Our Lord, Nineteen Hundred and Ninety-Nine.



PMS LIBRARY

Received

JAN 26 1999 *

Date

By the President:



RAMON B. CARDENAS
Acting Executive Secretary

