POLICY ON THE CONDUCT OF RAIDS AND SEIZURES ON ESTABLISHMENTS/ENTITIES REPORTEDLY VIOLATING CUSTOMS/ INTERNAL REVENUE LAWS

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Recently, newspapers had prominently carried stories on "shakedowns" or Illegal raids conducted by some policemen In connivance with Customs personnel and other agents of the law, on establishments of wealthy Chinese-Filipino businessmen in Manila. According to reports, the raiding teams would swoop down on target establishments with search warrants and allegedly exact big amounts of money in exchange for "negative results". Needless to say, such irregular activities detract from the mission and duty of the PNP to uphold the majesty of the law and protect the citizenry.

Presidential Memorandum Order No. 225 was Issued to guide all law-enforcement agencies concerned on how to perform their tasks properly to prevent conflicts between agencies in the conduct of their operations.

In that Memorandum, the Bureau of Customs (BOC) is given the exclusive juris-diction over all anti-smuggling operations within all principal ports and subports of entry as well as in all areas considered as customs zones; the Economic Intelligence and Investigation Bureau (EIIB) is given primary responsibility on anti-smuggling operations over all land areas, inland waters and waterways outside the jurisdiction of BOC; and the Philippine Coast Guard {PN) is given primary responsibility on anti-smuggling operations in maritime waters within the territorial jurisdiction of the country.

The PNP, in order that it could concentrate more on anti-crime efforts, is enjoined from enforcing customs/revenue laws, rules and regulations unless specifically deputized by competent authorities or requested to render police assistance.

Despite the guidelines contained in Memorandum No. 225, abuse of authority and Illegal raids continue. To put a stop to these abuses, once and for all, you are hereby directed to Incorporate in your implementing Instructions the following guidelines:

1. PNP units/elements shall conduct anti-smuggling operations only when particularly deputized or when their assistance is formally requested in writing by the BOC or EIIB, provided:

- the requesting party should not be lower than the Customs Commissioner or the Customs Collectors In the regions; or

- in case of EIIB, not lower than the Director EIIB or the Regional EIIB Director in the regions; and

- the approving authority at HPNP level shall be not lower than the Deputy Chief, PNP (Deputy Director-General for Operations) or In the regions, not lower than the PNP Regional Director.

There shall be maintained a special logbook of search warrants at the Office of the PNP Director approving the request for such police assistance, for closer supervision and monitoring action.

In case of irregularity in the raids/search warrants, command responsibility shall be strictly applied.

Even If a raid comes out with positive results, the policemen concerned will Just the same be administratively held liable If the raid was done in violation of PMO No. 225 and this Memorandum.

It is the purpose of these guidelines to raise the level of responsibility and Identify officials tasked to monitor and supervise the assistance rendered by the PNP so that possible abuses by PNP personnel and other agents of the law can be checked or curbed.

For compliance and proper guidance.

Adopted: 2 May 1994

(SGD.) ALEXANDER P. AGUIRRE
Acting Secretary

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