

APPRECIATION OF DOCUMENTS EXECUTED BY FOREIGN BASED WITNESSES IN SEIZURE AND FORFEITURE PROCEEDINGS

BOC (DOF) CUSTOMS ADMINISTRATIVE ORDER NO. 2-93, January 14, 1993

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Appreciation of Documents Executed by Foreign Based Witnesses in Seizure and Forfeiture Proceedings

By authority of Section 608 of the Tariff and Customs Code of the Philippines (TCCP), as amended, and in the light of (1) Rule 143 of the Rules of Court providing for the limited application of said rules in administrative proceedings; (2) the ruling of the Supreme Court in *Rabago, et. al. vs. NLRC and PTS*, G.R. No. 82868 promulgated on 05 August 1991 stating that the rules of evidence are not strictly observed in proceedings before administrative bodies; and (3) Section 2535 providing that the burden of proof in seizure and/or forfeiture proceedings is on the claimant for purposes of facilitating and expediting the disposition of seizure and/or forfeiture cases filed at the Bureau of Customs; the following shall govern the appreciation of documents executed outside the Philippines submitted as evidence in the course of the seizure and/or forfeiture proceedings containing assertions concerning or relevant to the origin of the shipment, subject matter of the same:

SECTION I. Documents executed under oath, defined. — Documents executed under oath shall refer to documents executed before, and whose oath was administered by, the Philippine consular official authorized to administer oaths in the country where the document was executed, if the affiant or person who executed such document is a Filipino citizen employed with the Philippine Government.

Documents executed under oath shall also include documents executed before, and whose oath was administered by, a person or officer authorized to administer oaths under the penalties of perjury in the country where the document is executed, if said document was executed by any other person.

SECTION II. Evidentiary weight of document executed under oath. — Documents executed under oath may be presented and the same shall constitute prima facie evidence of the facts stated therein concerning or related to the origin of the subject shipment and of the date of the document.

If the allegation contained in the said document concerning or related to the origin of the subject shipment is uncontradicted by any other document executed under oath, the same shall constitute conclusive evidence as to the origin of the shipment.

SECTION III. Deposition by written interrogatories. — Parties in seizure and/or forfeiture proceedings may take the deposition by written interrogatories of foreign-based witnesses only in case two or more documents executed under oath contain conflicting statement as to the origin of the shipment.

SECTION IV. Notification by Law Division. — The Law Division of the Bureau of Customs is required to notify all parties and lawyers appearing in connection with the seizure and/or forfeiture proceedings in each initial hearing of each case. Said notification shall be in the form of a copy of this CAO duly signed as received by the parties and lawyers.

SECTION V. Date of Effectivity. — This Customs Administrative Order shall take effect fifteen days (15) after

publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 14 Jan. 1993

(Sgd.) GUILLERMO L. PARAYNO, JR.
Commissioner

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