

EMPOWERING A SENIOR OFFICIAL OF THE SUBIC BAY METROPOLITAN AUTHORITY TO COMBAT VIOLATIONS OF CUSTOMS LAWS AT THE SBMA AREA

EXECUTIVE ORDER NO. 384, November 18, 2004

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8ce841d704b2/>

WHEREAS, the development of Subic and Clark as the best logistics hub in the region is the one of the ten points of the legacy agenda of the Administration;

WHEREAS, large-scale smuggling and fraud upon customs and other related practices undermine the economy and national security;

WHEREAS, the prevention and suppression of smuggling and other related practices against customs laws at the Subic Bay Freeport and all areas under jurisdiction of the Subic Bay Metropolitan Authority (SBMA) is one of the urgent concerns of the Administration;

WHEREAS, the empowerment of the Senior SBMA Official to combat violations of customs laws at the SBMA are is necessary to effective counteract this form of economic sabotage, strengthen the system enforcing revenue law, and hasten the realization of one of the 10-point agenda:

WHEREAS, the Administrative Code of 1987 vests the President with the continuing authority to recognize the Office of the President and to transfer functions of one department or agency to another:

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested I me by law, do hereby order:

SECTION 1. EMPOWERMENT OF SENIOR SBMA OFFICIAL. The President shall designate a Senior SBMA official to combat smuggling, unlawful importations, and other frauds upon customs laws committed at the Subic Special Economic and Freeport Zone (SSEFZ) area. He shall be recognized as the SBMA Director for Anti-Smuggling.

SECTION 2. DETAIL OF PERSONNEL. The SBMA Director for Anti-Smuggling is hereby authorized to obtain the detail to him of personnel from the Intelligence Service Armed Force of the Philippines, the Armed Force of the Philippines, and the Philippine National Police. He is likewise authorized to obtain augmentation of personnel from the Bureau of Customs and the Department of Justice for the issuance of warrants of seizure and detention, investigation and prosecution. He shall designate his deputy.

SECTION 3. POWER AND FUNCTIONS. The SBMA Director for Anti-Smuggling shall have the following powers and functions:

- Prepare and implement appropriate and effective measures to prevent and suppress large-scale smuggling and other prohibited and unlawful importations at the SSEFZ area.
- Effects, subject to applicable laws, searches, seizure and arrest, and file administrative and criminal cases conformably with the provisions of the Tariff and Customs Code of the Philippines, as amended, pertinent

provisions of the Revised Penal Code, as amended. And the Rules of Criminal Procedure.

- Conduct intelligence and counterintelligence operations, including the monitoring of situation, circumstances, and activities of individuals, groups and entities who are involved in or who are reasonably believed to be behind smuggling activities.
- Select and recruit personnel from SBMA, and officers, enlisted personnel and civilian agents from the AFP, the PNP and the Coast Guard as well as Customs and DOJ personnel who will be in detail with him.
- Enlist the assistance of any department, bureau, office or agency of the government to carry out its functions, including the use of their personnel facilities and other resources.
- Conduct verification with the Bureau of Customs of all documents pertaining to the importation and the payment of duties and taxes of all imported articles.
- Perform such functions and carry such activities as may be directed by the President.

SECTION. 4. SPECIAL PROSECUTORS. To assist the SBMA Director for Anti-Smuggling in the expeditious prosecution of criminal and other cases involving large-scale smuggling and customs frauds. DOJ layers shall be placed on detail with the SBMA Director for Anti-Smuggling as the need arises.

SECTION 5. AUTHORIZATION. The Commissioner of the Customs or his authorized representative shall, if necessary issue such authorization and orders required under the Tariff and Customs Code for all purposes relevant to the effective exercise and performance of the powers and functions of the SBMA Director for Anti-Smuggling.

SECTION 6. FUNDING. – Subject to the usual audit, the SBMA Director for Anti-Smuggling shall be provided with an allocation to be determined by the Chairman of the SBMA. To be sourced from the SBMA.

SECTION 7. OPERATING GUIDELINES. The SBMA Director for Anti-Smuggling shall adopt. In coordination with customs law enforcement agencies, such operating guidelines as may be necessary to implement this Executive Order. He shall submit to the SBMA Chairman reports of his activities with appropriate recommendations for the information and guidance of the SBMA Chairman.

SECTION 8. COORDINATING INSTRUCTIONS. Close coordination and cooperation shall be undertaken by the SBMA Director for Anti-Smuggling with the Bureau of Customs, Philippine Ports Authority, ISAFP, NICA, AFP, PNP, BIR, LTO, Philippine Coast Guard, SBMA, and all other agencies which may be involved in carrying out the mission and functions of the SBMA Director for Anti-Smuggling.

SECTION 9. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY. This Executive order shall take effect immediately upon its publication in a newspaper of national circulation.

Done in the City of Manila, this 18th day of November in the year of our Lord, Two Thousand and Four.

(SGD.) GLORIA MACAPAGAL-ARROYO
President of the Philippines

By the President:

(SGD.) EDUARDO R. ERMITA
Executive Secretary

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.