



**JOINT DOH-DTI-DA-DOJ-DILG-BOC  
CIRCULAR NO. 001 (S2020)**

**SUBJECT : IMPLEMENTATION OF SEIZURE AND RELATED PROCEEDINGS FOR GOODS NECESSARY TO ADDRESS THE COVID-19 PUBLIC HEALTH EMERGENCY PURSUANT TO REPUBLIC ACT (RA) 7581, AS AMENDED BY RA 10623, OTHERWISE KNOWN AS THE PRICE ACT AND RA 10863, OTHERWISE KNOWN AS THE CUSTOMS MODERNIZATION AND TARIFF ACT, IN RELATION TO RA 11469, OTHERWISE KNOWN AS THE BAYANIHAN TO HEAL AS ONE ACT**

**DATE : APR 24 2020**

In the exigency of the service, in accordance with the provisions of RA 7581, as amended by RA 10623, otherwise known as the Price Act, and the provisions of RA 10863, otherwise known as the Customs Modernization and Tariff Act, and as further authorized under Sections 4(i), 4(k) and 7 of RA 11469, otherwise known as the Bayanihan to Heal As One Act, the Department of Health (DOH), the Department of Trade and Industry (DTI), the Department of Agriculture (DA), the Department of Justice (DOJ), the Department of the Interior and Local Government (DILG), and the Bureau of Customs (BOC), shall undertake the seizure of articles, whether locally produced or manufactured or imported or introduced into the Philippine market, which are held, hoarded, manipulated, sold, or otherwise disposed of in violation of the Price Act or the Customs Modernization and Tariff Act, in accordance with the following guidelines:


1. **Covered goods.** The goods subject of this Joint Circular shall be those confiscated by law enforcement agencies in the course of their operations, more particularly: (a) those considered basic necessities or prime commodities by the Implementing Agencies in accordance with the Price Act; and (b) health products and other goods intended to address the CoVid-19 public health emergency or articles of prime necessity under the Bayanihan to Heal as One Act.
2. **Implementing Agencies.** Implementing Agencies include the Department of Trade and Industry, the Bureau of Customs, the Department of Health, the Department of Agriculture, or such other Department, Bureau or Office authorized under the Price Act, the Customs Modernization and Tariff Act, or under any other law, to conduct proceedings for the seizure, forfeiture and disposition of covered goods.
3. **Deputation.** The Philippine National Police (PNP) Criminal Investigation and Detection Group (CIDG), the National Bureau of Investigation (NBI), and other Law Enforcement Agencies (hereinafter, "Deputized Personnel") are hereby



expressly deputized during the period of the public health emergency to conduct, in accordance with applicable laws and their respective mandates, operations against persons or entities reasonably suspected of violating either the Price Act or the Customs Modernization and Tariff Act, and to confiscate the subject goods in accordance with the said Acts.

4. **Inventory of Goods.** The Implementing Agencies and the Deputized Personnel shall strictly follow the rules on the preparation of the inventory of the confiscated goods, and shall ensure that evidence is preserved so as not to frustrate criminal prosecution against the offenders.
5. **Actions by Implementing Agencies.** The Implementing Agencies shall immediately initiate summary proceedings to cause the formal seizure of goods confiscated in the course of the foregoing operations or apprehensions conducted by them or by Deputized Personnel, and pending formal investigation and prosecution, forfeit or dispose of the same whenever supported by substantial evidence, in accordance with the applicable provisions of the Price Act or the Customs Modernization and Tariff Act.
  - 5.1. Inventory shall immediately be made by the Implementing Agency in the presence of the owner/proprietor/manager of the establishment and of such other persons whose presence is required by law, and in accordance with the procedure laid down in the Price Act or the Customs Modernization and Tariff Act.
  - 5.2. In cases where the Price Act and Customs Modernization and Tariff Act are both applicable, the Implementing Agencies shall adopt the proceedings deemed more expedient to facilitate and fast-track the seizure, forfeiture, and disposal of goods in favor of the State.
  - 5.3. Notwithstanding any requirement for public sale or auction as a mode of disposition, the State shall be given preference in the purchase of the goods formally seized which are deemed essential or necessary to address the current public health emergency, in accordance with the authority granted under RA 11469, otherwise known as the Bayanihan to Heal as One Act.
  - 5.4. In the event that the State exercises its preferential right as provided above, it shall purchase the goods based on the latest Suggested Retail Price (SRP) imposed by the respective Implementing Agencies, or the prevailing market price in the absence of SRP.
  - 5.5. The proceeds of any sale of goods thus seized shall, where applicable, be held in escrow by the Implementing Agencies, subject to the final determination of the liability of the persons charged with violating the Price Act or the Customs Modernization and Tariff Act.

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- 5.6. Outright donation of confiscated/seized goods to government agencies needing them, whenever authorized under any existing laws, shall be expeditiously observed.
6. **Operations by Law Enforcement Agencies.** The foregoing shall likewise apply to goods confiscated by law enforcement agencies, including those confiscated during operations conducted prior to the effectivity of this Joint Circular, for so long as the operations were conducted within the period of the declared public health emergency.
- 6.1. Law enforcement agencies shall conduct the inventory in coordination with the appropriate Implementing Agency, to which they shall forthwith cause the immediate turnover of the confiscated goods.
- 6.2. The Implementing Agency concerned shall then summarily cause the formal seizure, forfeiture, and disposal of the same in accordance with the provisions of the Price Act or the Customs Modernization and Tariff Act, strictly taking into account the preference granted to the State, and the necessity of preserving the evidence for purposes of prosecution.
- 6.3. Meanwhile, the law enforcement agency concerned shall institute the criminal proceedings before the Investigating or Inquest Prosecutor in charge.
7. **Transfer of Custody of Goods by the Prosecutor.** In case of complaints already filed and pending at the time of the effectivity of this Joint Circular, the Investigating or Inquest Prosecutor shall cause the transfer of custody of confiscated goods to the Implementing Agency concerned in the most efficient and expeditious manner for subsequent formal seizure, forfeiture, and disposal. In case the information is already pending in court, the handling prosecutor shall file the appropriate motion to effect such transfer of custody of goods to the appropriate Implementing Agency.
8. **Consultation with FDA and other Regulatory Agencies.** Prior to formal seizure, forfeiture, and disposal, the Implementing Agencies shall consult with the Food and Drug Administration or other regulatory bodies to ensure that the goods are safe for distribution and utilization. If declared unsafe, the goods shall be returned to the law enforcement agency or to the prosecutor, as the case may be, to be used as evidence and, thereafter, for further disposition in accordance with law.
9. **Separability of Proceedings.** Neither the institution of administrative proceedings nor the seizure, forfeiture, or disposal of the confiscated goods pursuant to the provisions of the Price Act or the Customs Modernization and Tariff Act shall preclude the State from prosecuting any offender under the provisions of the said Acts or of any other penal laws.
10. **Separability.** If any provision of this Joint Circular is declared invalid, the remainder thereof shall not in any way be affected or impaired thereby.

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11. **Issuance of Guidelines.** The Implementing Agencies shall issue their respective guidelines to implement this Joint Circular, as may be necessary.
12. **Effectivity.** This Joint Circular shall take effect immediately upon publication thereof.

**FOR STRICT COMPLIANCE.**

[Original Signed]  
**FRANCISCO T. DUQUE III**  
Secretary  
DEPARTMENT OF HEALTH

[Original Signed]  
**RAMON M. LOPEZ**  
Secretary  
DEPARTMENT OF TRADE AND  
INDUSTRY


[Original Signed]  
**MENARDO I. GUEVARRA**  
Secretary  
DEPARTMENT OF JUSTICE

[Original Signed]  
**EDUARDO M. AÑO**  
Secretary  
DEPARTMENT OF THE INTERIOR AND  
LOCAL GOVERNMENT

[Original Signed]  
**WILLIAM D. DAR**  
Secretary  
DEPARTMENT OF AGRICULTURE

[Original Signed]  
**REY LEONARDO B. GUERRERO**  
Commissioner  
BUREAU OF CUSTOMS

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