

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 46

AMENDING EXECUTIVE ORDER NO. 8 (S. 1998), AS AMENDED, TO
FURTHER STRENGTHEN AND REORGANIZE THE PRESIDENTIAL
ANTI-ORGANIZED CRIME COMMISSION

WHEREAS, a steadfast, strong-minded, and unwavering campaign to eradicate organized crime, along with the graft and corruption it breeds, are among the priorities of this Administration;

WHEREAS, the reorganization and strengthening of the Presidential Anti-Organized Crime Commission (PAOCC) is imperative to substantiate and generate results in the fight to eliminate corrupt practices; and

WHEREAS, the Revised Administrative Code of 1987 empowers the President with the continuing authority to reorganize the Executive Department.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 1 of Executive Order No. 799 (s. 2009) is hereby amended to read as follows:

"Section 1. COMPOSITION. The Presidential Anti-Organized Crime Commission (PAOCC) shall be composed of the following:

Chairperson: Executive Secretary

Members:

- Secretary of the Interior and Local Government
- Secretary of Justice
- Secretary of National Defense
- Secretary of Foreign Affairs
- National Security Adviser
- Chief of Staff, Armed Forces of the Philippines
(AFP)
- Director General, Philippine National Police
(PNP)
- Director General, National Intelligence



Coordinating Agency (NICA)
Director, National Bureau of Investigation (NBI)
Executive Director, Philippine Center for
Transnational Crime (PCTC)"

SECTION 2. Section 3 of Executive Order No. 295 (s. 2000) is hereby amended to read as follows:

"Section 3. **POWERS AND FUNCTIONS.** The PAOCC shall have the following powers and functions:

- a. Prepare and implement a fast track anti-crime, anti-graft and corruption action plan and program, and adopt appropriate measures to ensure an effective and efficient anti-crime drive;
- b. Conduct intelligence and counter-intelligence operations to identify government officials and employees, crime syndicates and their cohorts who are involved in criminal activities;
- c. Cause or direct the immediate arrest, investigation and speedy prosecution of organized crime groups/syndicates, government officials and employees and any co-principals, accomplices and accessories, with due regard to legal and constitutional processes;
- d. Refer the cases at hand, as the PAOCC may deem proper and necessary, to the Department of Justice (DOJ), and/or other appropriate law enforcement agencies for investigation or prosecution as the case may be;
- e. Follow up the progress of on-going investigation and prosecution of cases taken cognizance by PAOCC;
- f. Recommend the passage of appropriate anti-crime issuances and legislation;
- g. Select and recruit personnel from the PNP, the DOJ and other government agencies for assignment to the PAOCC, subject to the conformity of the agency concerned;
- h. Enlist the assistance of any department, bureau, office, agency or instrumentality of the Government, including government owned and/or controlled corporations, in the anti-crime and anti-graft and corruption drive, which may include the use of their respective personnel, facilities and resources for a more resolute prevention.



detection and investigation of crimes and prosecution of their perpetrators;

- i. Subject to existing laws, grant monetary rewards or incentives to informants giving information leading to the successful prosecution of criminal offenders and corrupt government officials;
- j. Coordinate with the Witness Protection Security and Benefit Program Committee of the DOJ to evaluate and assess witnesses who may qualify under the provisions of Republic Act No. 6981, otherwise known as the Witness Protection and Benefit Act;
- k. Authorize access to documents, installations and facilities in pursuit of specific crime investigations over government offices, agencies and/or government owned and/or controlled corporations;
- l. Refer cases involving alleged proceeds and gains of a crime to other agencies for purposes of initiating forfeiture and seizure proceedings, in accordance with law.
- m. Engage or contract the services of resource persons, professionals and other personnel deemed necessary to carry out PAOCC's mandate;
- n. Establish mechanisms for cooperation and joint operations with international law enforcement agencies as well as other States and international organizations in accordance with law; and
- o. Perform such other functions as may be directed by the President."

SECTION 3. Section 4 of Executive Order No. 295 (s. 2000) is hereby amended to read as follows:

"SECTION 4. OFFENSES COVERED. The PAOCC shall have the authority to take cognizance of the following crimes:

- a. Those committed by organized/syndicated crime groups, including but not limited to drug trafficking, human trafficking, carnapping, gunrunning, robbery/ hold-up, kidnapping for ransom, smuggling, and transnational crimes;
- b. Those considered and punished as heinous crimes under Republic Act No. 7659 (Heinous Crime Law);
- c. Those committed by the members of the PNP and/or the AFP;



- d. Those committed by any government official or employee, including those from government offices, agencies and/or instrumentalities, and government-owned and controlled corporations;
- e. Such other criminal offenses as the President may determine from time to time.

An organized/syndicated crime group for purposes of this Executive Order means a group of two or more persons collaborating, confederating or mutually helping one another in the commission of any crime."

SECTION 4. Agencies Assistance. In the performance of its functions, the PAOCC and its Special Project Groups may call for assistance from any government agency and instrumentality, including local governments.

SECTION 5. Funding. The PAOCC budget shall be drawn from the remaining budget of the PAOCC under the Office of the President for the current year, subject to existing and applicable laws, rules and regulations.

SECTION 6. Implementing Rules. The PAOCC Chairperson is hereby authorized to issue such rules and regulations as may be necessary to implement the provisions of this Executive Order.

SECTION 7. Abolition of the Presidential Task Force on the Security of Energy Facilities and Enforcement of Energy Laws and Standards. The Presidential Task Force on the Security of Energy Facilities and Enforcement of Energy Laws and Standards (PTF-SEFEELS) created under the PAOCC through Executive Order No. 655 (s. 2007) is hereby abolished.

The winding up of the operations of PTF-SEFEELS, including the final disposition of all their funds, assets and equipment, shall be in accordance with the applicable provision(s) of the Rules and Regulations Implementing Executive Order No. 72 (s. 2002) (*Rationalizing the Agencies Under or Attached to the Office of the President*). The winding up shall be done immediately upon the issuance of this Executive Order and completed not later than 15 July 2011.

SECTION 8. Non-diminution of Mandates. Nothing in this Executive Order shall diminish the mandates, functions and responsibilities of all concerned agencies.

SECTION 9. Repealing Clause. All orders, circulars, rules, regulations, and/or issuance/s, or parts thereof, which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.



SECTION 10. Separability. If any provision of this Executive Order shall be held unconstitutional, the remainder not otherwise affected shall remain in full force and effect.

SECTION 11. Effectivity. This Executive Order shall take effect immediately upon its publication in a news paper of general circulation.

DONE in the City of Manila, this 13th day of June, in the year of our Lord, Two Thousand and Eleven.

[Handwritten signature]


By the President:

[Handwritten signature of Paquito N. Ochoa, Jr.]
PAQUITO N. OCHOA, JR.
Executive Secretary



Office of the President of the Philippines



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CERTIFIED COPY

[Handwritten signature]
MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE