



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

Republic of the Philippines,

Seizure Identification
No. CFZ 005-2022

-versus-

Shipment said to contain “**CA III LES CV ILLEGIBLE-H**” which arrived at Federal Express (FedEx) Clark Hub on 03 January 2022 under House Airway Bill No. 816028814789 from Berea, Kentucky, USA but found to contain **four (4) packs assorted chocolates, two (2) packs biscuits, one (1) black box labelled as “Hemp Cream 10x Power”, and one (1) pc. hard carton container labelled as “Broad Spectrum Spero CBD”** which positively resulted for the presence of Tetrahydrocannabinol/ Marijuana

Consignee:
LIGIA ZITA

Lot 6 III K7 Sto. Nino Vili, San Isidro, Talisay
Claimant.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-captioned shipment for violation of Sections 118 (g), 119 (d), and 1113 par. f, i, and l (3 & 4) of R.A. No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

As culled from the records, the material facts of the instant case are as follows:

On 03 January 2022, a shipment from Berea, Kentucky, USA said to contain “**CA III LES CV ILLEGIBLE-H**” consigned to a certain LIGIA ZITA arrived at the Federal Express (FedEx) Clark Hub under House Airway Bill No. 816028814789. The same was subjected to profiling and noted for physical examination.

On even date, Customs Examiner Jerel Paul Magistrado conducted physical examination on the subject shipment in the presence of representatives from FedEx and AAI which led to the following findings:

AS DECLARED	AS FOUND
CA III LES CV ILLEGIBLE-H	Four (4) packs assorted chocolates, Two (2) packs biscuits
Value: 1.11 USD Gross Weight: 0.23 kgs	One (1) black box labelled as “Hemp Cream 10x Power” One (1) pc. hard carton container labelled as “Broad Spectrum Spero CBD”

On 10 January 2022, said shipment was subjected to K9 sweeping conducted jointly by BOC K9 Unit and PDEA wherein the drug sniffing-dogs reacted to the package raising the suspicion of possible presence of dangerous drugs.

Representative samples were taken from the abovementioned "Hemp Cream 10x Power" and "Broad Spectrum Spero CBD" to validate the presence of any dangerous drugs and/or controlled precursor and essential chemicals. Said representative samples were placed with markings, documented, and immediately turned over to PDEA Agent Aldron L. Rabin as witnessed by the representatives from ESS, CIIS, PDEA, FedEx, and AAI Worldwide Logistics.

On even date, this Port received PDEA Chemistry Report No. PDEA-RO3-22-0001 dated 10 January 2022 which confirmed that qualitative examination conducted on the sample taken from one pc. hard carton container labeled as "Broad Spectrum Spero CBD" gave **POSITIVE** result for the presence of **TETRAHYDROCANNABINOL/MARIJUANA**.

On 11 January 2022, the Office of the District Collector received a Memorandum dated 10 January 2022 from Mr. Magistrado and Mr. John Paul Dungca, Customs Examiner and Acting Appraiser, respectively, thru Karl S. Cortes, FedEx Composite Unit OIC, recommending the issuance of a Warrant of Seizure and Detention (WSD) against the subject shipment for violation of Sections 118 (g), 119 (d) and 1113 par. f, i, & l, and 1400 of Republic Act (R.A.) No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

On 12 January 2022, a Warrant of Seizure and Detention (WSD) docketed as S.I No. CFZ 005-2022 was issued by the District Collector, this Port, against the subject shipment for possible violation of Sections 118 (g), 119 (d) and 1113 par. f, i & l (3 & 4) of R.A. No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Thus, we resolve.

Sections 118 (g) and 119 (d) of the Customs Modernization and Tariff Act (CMTA) are explicit:

Sec. 118. Prohibited Importation and Exportation. - The importation and exportation of the following goods are prohibited:

xxx

(g) All other goods or parts thereof, which importation and exportation are explicitly prohibited by law or rules and regulations issued by the competent authority.

xxx

Sec. 119. Restricted Importation and Exportation - except when authorized by law or regulation, the importation and exportation of the following restricted goods are prohibited:

xxx

(d) **Marijuana**, opium, poppies, coca leaves, heroin or other narcotics or synthetic drugs which are or may hereafter be declared habit forming by the President of the Philippines, or any compound, manufactured salt, derivative, or preparation thereof, except when imported by the government of the Philippines or any person duly authorized by the Dangerous Drugs Board, for medicinal purposes;

xxx

In the instant case, it is undeniable that the subject shipment contained **“Tetrahydrocannabinol/Marijuana”** per PDEA Chemistry Report with No. PDEA-RO3-22-0001, importation of which is unquestionably restricted/prohibited under the CMTA and R.A. No. 9165.

Moreover, Section 1113 par. f, i, and l of the CMTA, states:

Sec. 1113. Property Subject to Seizure and Forfeiture. - Property that shall be subject to seizure and forfeiture include:

(f) Goods, the importation or exportation of which are effected or attempted contrary to law, or any goods of prohibited importation or exportation, and all other goods which, in the opinion of the District Collector, have been used, are or were entered to be used as instruments in the importation or the exportation of the former;

(i) Any package of imported goods which is found upon examination to contain goods not specified in the invoice or goods declaration including all other packages purportedly containing imported goods similar to those declared in the invoice or goods declaration to be the contents of the misdeclared package shall be liable to seizure and forfeiture.

(l) Goods sought to be imported or exported:

(3) Through a false declaration or affidavit executed by the owner, importer, exporter, or consignee concerning the importation of such goods;

(4) On the strength of a false invoice or other document executed by the owner, importer, exporter, or consignee concerning the importation or exportation of such goods; or

xxx

In the case at hand, subject shipment was declared in the airway bill as **“CA III LES CV ILLEGIBLE-H”** contrary to the findings of the Customs Examiner that the subject shipment contained **four (4) packs assorted chocolates, two (2) packs biscuits, one (1) black box labelled as “Hemp Cream 10x Power”, and one (1) pc. hard carton container labelled as “Broad Spectrum Spero CBD”** which positively resulted for the presence of **Tetrahydrocannabinol/ Marijuana**.

Furthermore, Section 3.5 of Customs Memorandum Order No. 4-2018 (Manual of Procedure for Forfeiture cases) provides:

Section 3.5. If the subject shipment involves **prohibited and restricted goods**, the same shall be **ipso facto** be forfeited in favor of the government.

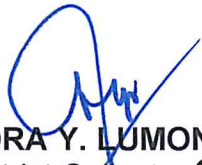
All told, subject shipment is liable for forfeiture for having been imported in violation of Sections 118 (g), 119 (d), and 1113 par. f, i, and I (3 & 4) of R.A. No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

WHEREFORE, by virtue of the authority vested in me by law, it is hereby ordered and decreed that **shipment said to contain "CA III LES CV ILLEGIBLE-H" which arrived at Federal Express (FedEx) Clark Hub on 03 January 2022 under House Airway Bill No. 816028814789 from Berea, Kentucky, USA but found to contain four (4) packs assorted chocolates, two (2) packs biscuits, one (1) black box labelled as "Hemp Cream 10x Power", and one (1) pc. hard carton container labelled as "Broad Spectrum Spero CBD" which positively resulted for the presence of Tetrahydrocannabinol/ Marijuana, subject of this seizure and forfeiture proceeding, be FORFEITED** in favor of the Government to be disposed of in the manner provided for by law.

Let copies of the Order be furnished all parties and offices for their information.

SO ORDERED.

Port of Clark International Airport, Clark Freeport Zone, Pampanga, 26 January 2022.


ALEXANDRA Y. LUMONTAD
District Collector



Copy furnish:

Ligia Zita
Lot 6 III K7 Sto. Nino Vili, San Isidro, Talisay

Karl S. Cortes
Special Duty Collector, FedEx

Julius Ceasar D. Asuncion
Acting Warehouseman, FedEx

ESS-Port of Clark

CIIS-Port of Clark