



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

Republic of the Philippines,

Seizure Identification
No. CFZ 041-2021

-versus-

Shipment said to contain **“CCTV CAMERA AND VIDEO RECORDER”** which will be shipped thru DHL under House Airway Bill No. 8643961771 destined to Auckland, New Zealand but found to contain an approximate weight of **one (1) kilogram of Methamphetamine Hydrochloride concealed inside four (4) CCTV cameras**

SAMANTHA CORTEZ D

13 Bantayan St., Bulacan, 3016 Borol 2nd,
Balagtas, Bigaa

Shipper.

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 & l (3 & 4) of R.A. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. 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 25 August 2021, based on a reliable information from PDEA that subject shipment contain illegal drugs, ESS-CAIDTF put on hold the said shipment destined to Auckland, New Zealand said to contain **“CCTV CAMERA AND VIDEO RECORDER”** consigned to a certain MATTHEW RUSELL and shipped by SAMANTHA CORTEZ D through DHL under House Airway Bill No. 8643961771.

On even date, Mr. Julius Ceasar D. Asuncion, Acting Examiner, Export Unit, conducted physical examination on the subject shipment which led to the findings of suspected **“shabu”** with an approximate weight of one (1) kilogram concealed inside four (4) CCTV cameras.

The said shipment was subjected to K9 PDEA inspection which gave positive indication for the presence of prohibited substance. Subsequently, representative samples were taken for the conduct of laboratory testing and chemical analysis.

PDEA Chemistry Report No. PDEA-RO3-21-0110 dated 25 August 2021 and PDEA-RO3-21-0111 dated 26 August 2021 confirmed that qualitative examination conducted on the subject shipment gave positive result for the presence of METHAMPHETAMINE HYDROCHLORIDE.

On 27 August 2021, the Office of the District Collector received a Memorandum dated 26 August 2021 from Mr. Asuncion thru Maricar N. Go, Officer-In-Charge, Export

Unit, recommending the issuance of a Warrant of Seizure and Detention (WSD) against the subject shipment for violation of Sections 118 (b), 119 (d), and 1113 (f) of R.A. 10863 in relation to Section 5 of R.A. 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.

On even date, a Warrant of Seizure and Detention (WSD) docketed as S.I No. CFZ 041-2021 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 (3 & 4) of R.A. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. 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 “**Methamphetamine Hydrochloride**” per PDEA Chemistry Report with Nos. PDEA-RO3-21-0110 and PDEA-RO3-21-0111, importation of which is unquestionably restricted/prohibited under the CMTA and R.A. No. 9165.

Moreover, Section 1113 par. f, i and I (3, 4, & 5) 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) 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 “CCTV CAMERA AND VIDEO RECORDER” contrary to the findings of the Acting Customs Examiner that the subject shipment contained **suspected “shabu” with an approximate weight of one (1) kilogram concealed inside four (4) CCTV cameras which positively resulted for the presence of Methamphetamine Hydrochloride/Shabu.**

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 & l (3 & 4) of R.A. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to R.A. 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 “CCTV CAMERA AND VIDEO RECORDER” which will be shipped thru DHL under House Airway Bill No. 8643961771 destined to Auckland, New Zealand but found to contain an approximate weight of one (1) kilogram of Methamphetamine Hydrochloride concealed inside four (4) CCTV cameras**, 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, 08 September 2021.


ALEXANDRA Y. LUMONTAD
District Collector



BOC-22-01020

Copy furnish:

*Samantha Cortez D
13 Bantayan St., Bulacan, 3016
Borol 2nd, Balagtas, Bigaa*

*Julius Ceasar D. Asuncion
Acting Examiner, Export Unit*

*Maricar N. Go
Officer-In-Charge, Export Unit*