



Receiving Copy

**OFFICE OF THE COLLECTOR OF CUSTOMS
DISTRICT PORT OF LIMAY, BATAAN**

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
CASE NO. **04-2021**

-versus-

Dredger type vessel **MV HAMMER
16** represented by **Mr. Symore John
Gementiza**, Ship Agent.

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: **THE DISTRICT COMMANDER - ESS**
Limay, Bataan

GREETINGS:

WHEREAS, the above-described unmanned and physically abandoned vessel will be seized for violation of **Section 103 in relation to Section 102 par. (ff)** of the Customs Modernization and Tariff Act (CMTA);

WHEREAS, the above-described vessel's designated name was erased and can no longer be discerned;

WHEREAS, the assigned Boarding Officer confirmed that the vessel boarded by the composite team led by the District Commander-ESS, Bureau of Customs, on September 29, 2021 pursuant to Mission Order 017-2021, is **MV HAMMER 16**. His positive identification is based on his records and personal recollection of the vessel which he personally boarded before;

WHEREAS, the subject vessel was arrived at the Sub-port of Mariveles with a representation that its arrival is purely for anchorage. Thereafter, the crew of the vessel

Yami



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

erased the name of the barge MV HAMMER 16, which act amounts to fraudulently concealing the identity of the vessel, and may be considered a first step in the illegal conversion thereof.

WHEREAS, since the said vessel no longer bears a designated vessel name and which name appears to have been deliberately erased, it is the immediate impression of this Port that the said vessel was brought to this jurisdiction, as an imported article itself, also with the deliberate intent to convert it into a local vessel with intent to defraud and evade payment of the appropriate Duties and Taxes due to the government.


WHEREAS, the tugboat MV HAMMER 9, which towed MV HAMMER 16 into the Mariveles Anchorage already left the said barge, solidifying the impressions that MV HAMMER 9 has made a complete delivery of MV HAMMER 16. Hence, importation of the MV HAMMER may be considered as consummated.

WHEREAS, the said vessel is presently located at the Mariveles Anchorage;

WHEREFORE, by virtue of the authority vested in me by law, and in compliance with pertinent Customs laws, rules and regulations, you, together with the representative of this Office, are hereby ordered to forthwith seize the aforementioned vessel and turn them over to the custody of the Auction and Cargo Disposal Committee (ACDC) in compliance with Customs Memorandum Order No. 8-84, particularly on the matter of making a return of service and the submission of the inventory report or list of the article/s seized is to be strictly observed and **finally, you are hereby ordered to return the aforesaid Warrant within ten (10) days from service, to the Law Division/ Legal Officer, this Port. Failure to do so, the Warrant shall ipso facto be considered null and void.**

SO ORDERED.

October 8, 2021. Limay, Bataan, Philippines.


ATTY. WILLIAM B. BALAYO, CPA_w
District Collector, Limay, Bataan

Cc:

- 1.) ESS, District Commander
- 2.) CIIS, OIC Field Station
- 3.) Coll. Sub-port of Mariveles
- 4.) ACDC



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



Receiving Copy

PROFESSIONALISM INTEGRITY ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
CASE NO. ~~04-2021~~

-versus-

1x961/672 Tons Dredger Type Vessel MV HAMMER
16 of **COLLABORATIVE INDUSTRIAL
REVOLUTION, INC.** as represented by **Mr. Symore
John Gementiza,**

Agent/ Representative of Record.

X-----X

NOTICE OF HEARING

TO : AUTHORIZED REPRESENTATIVES/ RESPONSIBLE OFFICERS

**COLLABORATIVE INDUSTRIAL
REVOLUTION, INC.** as represented
by **Mr. Symore John Gementiza ,**
(CP No. 09950465710)

TO : GOVERNMENT PROSECUTOR
Prosecution and Litigation Division
Legal Service, RCMG

Greetings!

Notice is hereby given to the Parties that the case is set for Preliminary Conference on October 22 and 27, 2021 at 2:00 P.M. Kindly coordinate in the below indicated contact number and/or email address of the Port of Limay for the Zoom Link to be transmitted to you via email for easy access.

Parties are further informed of the pertinent provisions of Customs Memorandum Order No. 4-2018 (A) which provides:

X x x

6.3 During the Preliminary Conference the following shall be discussed:

- 6.3.1** Defining and Simplifying the issues of the case;
- 6.3.2** Entering into admission or stipulation of facts;
- 6.3.3** Marking of Exhibits;
- 6.3.4** The Possibility of disposition of the goods pending forfeiture proceedings in case of perishable articles;
- 6.3.5** The possibility of settlement; and
- 6.3.6** dates for submission of respective position papers of the parties.

posted on FB Page Oct. 26, 2021 @ 3:44PM



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

6.4 The Hearing Officer shall require the claimant to submit its verified Position Paper within 5 days from the termination of the preliminary conference, copy furnished the Government Prosecutor. Failure on the part of the claimant to submit its verified Position Paper within the prescribed period shall be deemed waiver on its part to submit the same. No Motion for Extension shall be allowed.

6.5 Within five (5) days from receipt of the position paper, the Government Prosecutor shall file its Comment, copy furnished the Claimant. Failure to submit the comment within the prescribed period shall be deemed waiver on the part of the Government Prosecutor to submit his comment

6.6 Should the Government deem it necessary to submit a Reply, the Claimant may file its verified Reply within three (3) days from receipt of the comment, copy furnished the Government Prosecutor, thereafter the case is deemed submitted for resolution. Claimant's failure to submit Reply within the prescribed period would render the case submitted for resolution.

X x x

However, in the 18 March 2020 Memorandum, as reiterated in the 20 April 2020 Memorandum of the Commissioner of Customs, the conduct of actual and face-to-face hearing of seizure and forfeiture cases is temporarily suspended in the light of Covid-19 travel restrictions.

In this regard, the Parties are hereby ordered to submit their Preliminary Conference Brief through electronic mail at boc.lamao@gmail.com on or before October 22, 2021, in lieu of the actual Preliminary Conference hearing. Thereafter, Parties are also ordered to submit their respective Position Papers and/or any pleadings parties deemed necessary to ventilate their respective claims and contentions. Otherwise, it shall be deemed as waiver of rights to present evidence and this Office will resolve the case based on the available records at hand.

Kindly access the following Zoom links indicated below with their corresponding dates of online hearings for attendance and compliance to this Notice:

1. October 22, 2021 at 2:00 P.M.
<https://us02web.zoom.us/j/82549188279?pwd=YVJ3MmFmFmZlSRnhFOGVIQXpmdz09>
2. October 27, 2021 at 2:00 P.M.
<https://us02web.zoom.us/j/89262340379?pwd=S2NTQ3NSaXJKd0dENzhYS291cklVZz09>

In the event of difficulty in accessing the above-cited Zoom links, please feel free to contact this Port through the contact number indicated below.

Bureau of Customs, Port of Limay, 12 October 2021.


ATTY. NIÑO KJELLE SERVAÑEZ
Hearing Officer, Law Division, Port of Limay