



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 040 -2022 (NAIA)

- versus -

One (1) pack Cherry Blossoms weighing 2kgs. brought in by incoming passenger **MILA DIONIO TABUADA**, a holder of Passport No. AHO15176, from Vancouver, Canada.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described goods brought in by incoming passenger Mila Dionio Tabuada, a holder of Passport No. AHO15176, from Vancouver, Canada, for violation of Section 119 in relation to Section 1113(f) of RA No. 10863 otherwise known as the Customs Modernization and Tariff Act and Presidential Decree No. 1433 also known as the Plant Quarantine Law of 1978.

The antecedent facts of the instant case are as follows:

1. On 21 February 2022, the baggage of incoming Filipina passenger Mila Dionio Tabuada with Passport No. AHO15176 was subjected to X-ray examination at NAIA Terminal 2 and was marked "X" by XIP Operator Guillermo Catanaoan;
2. Before conducting physical examination, Customs Examiner Feljun M. Roxas then instructed passenger Tabuada to fill-up a Customs Baggage Declaration Form (CBDF) and asked if she has anything to declare to which she replied in the negative;
3. Customs Examiner Roxas then proceeded with the conduct of physical examination of the baggage of passenger Tabuada and found one (1) pack of Cherry Blossoms with an estimated value of \$10.00;
4. The subject goods were then referred to the duty Plant Quarantine Officer Noel Garcia of the Bureau of Plant Industry (BPI). For failure of passenger Tabuada to present the required import permit/clearance, Quarantine Office Garcia confiscated the subject one pack of Cherry Blossoms and issued Inspector Report No. T2-002;
5. On the same day, Verne Y. Enciso, Station Chief, CIIS-NAIA, reported to the District Collector the interception of one (1) pack of Cherry Blossoms;
6. On 25 March 2022, this Office received a Memorandum dated 21 February 2022 of Customs Examiner Feljun M. Roxas and Flight Supervisor Marlyn O. Edillor, Acting Flight Supervisor, thru Robert A. Quintana, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, CSEE, Deputy Collector for Passenger Service, for the District Collector recommending the confiscation of the subject goods for lack of Sanitary and Phytosanitary Import Clearance Permit in violation of Presidential Decree No. 1433 also known as

the Plant Quarantine Law of 1978 and Section 117 of the Customs Modernization and Tariff Act (CMTA);

On the basis of the records on file, it is indubitable that the One (1) pack of Cherry Blossoms lack the required Sanitary and Phytosanitary Import Clearance, hence its importation violates Section 3 of the Plant Quarantine Law of 1978 (RA 9513) of the Philippines, to wit:

“Section 3. Importation of Plants and Plants Products – The importation and/or introduction into the Philippines of plants, plant products, soil packing materials of plant origin capable of harboring plant pests and are a source of medium of infection/infection of plant pests, ***is hereby restricted*** subject to such quarantine orders, rules and regulations as maybe promulgated from time to time, by the Director with the approval of the Secretary of Agriculture.” (Emphasis and underscoring supplied)

On this score, Paragraph 3.5 of Section 3 of Customs Memorandum Order No. 4-2018 (A) in relation to Section 119, Paragraph (f) of the Customs Modernization and Tariff Act (CMTA), are instructive and authoritative, to wit:

“3.5 *If the subject shipment involved is prohibited or restricted goods, the same shall ipso facto be forfeited in favor of the government.*” (Emphasis and underscoring supplied)

“Section 119. Restricted Importation and Exportation. – Except when authorized by law or regulation, the importation or exportation of the following restricted goods are prohibited:

(f) Any other goods whose importation and exportation are restricted x x x”

WHEREFORE, in view of all the foregoing, and in compliance with applicable customs laws, rules and regulations, it is hereby ordered and decreed that the one pack of Cherry Blossoms brought in by incoming passenger Mila D. Tabuanda, be, as it is hereby declared **Ipsa Facto forfeited** in favor of the government for violation of Section 1113 (f) in relation to Section 119 (f) of Republic Act No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA), and Presidential Decree No. 1433 also known as the Plant Quarantine Law of 1978, which was already turned-over to the Bureau of Plant Industry thru Plant Quarantine Officer Noel Garcia for final disposition thereof in the manner provided for by law.

Let copies of the Decision be furnished to all offices and parties concerned for their information and guidance. A copy thereof shall be posted on the Bulletin Board of the Law Division, this Port, for information of all concerned.

SO ORDERED.

NAIA Customhouse, Pasay City, Metro Manila, 29 March 2022.


CARMELITA M. TALUSAN, CESE
District Collector



REPUBLIC OF THE PHILIPPINES

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NO. 040-2022 (NAIA)

- versus -

One (1) pack Cherry Blossoms weighing 2 kgs. brought in by incoming passenger **MILA DIONIO TABUADA**, a holder of Passport No. AHO15176, from Vancouver, Canada

X-----X

NOTICE OF DECISION

TO: MILA DIONIO TABUADA
Concepcion, Iloilo

ATTY. LILIBETH S. SANDAG
Deputy Collector for Operations
NAIA Customhouse

ATTY. DANILO M. CAMPOS JR.
Chief, Auction and Cargo Disposal
Division, NAIA Customhouse

ATTY. MA. LOURDES V. MANGAOANG, CSEE
Deputy Collector for Passenger Service
NAIA Customhouse

ROBERTO A. QUINTANA
Chief, Arrival Operations
Division, NAIA Customhouse

THE GOVERNMENT PROSECUTOR
Prosecution and Litigation Division
Legal Service, Bureau of Customs

GREETINGS:

NOTICE is hereby given that the District Collector, this Port, issued a Decision on March 29, 2022, ordering the forfeiture of the subject shipment in favor of the government. A copy of the said Decision is hereto attached for information.

Issued this 30th day of March 2022 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division

H. Miranda
ATTY. HYACINTH A. MIRANDA
Hearing Officer

Encl.: As stated
Law/mma/ham