



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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# 820963224

PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
NO. 032 -2022 (NAIA)

- versus -

Six (6) kilograms and five hundred (500) grams of processed turkey, three (3) kilograms and seven hundred fifty (750) grams of ham, two (2) kilograms of fresh beef, three (3) kilograms of pork sausage, two (2) kilograms and six hundred (600) grams of chicken meat balls, three hundred forty (340) grams of bacon and five hundred (500) grams of ground beef brought by passenger **VICENTE VALENZUELA BENIG**, a holder of Passport No. 529038151, from Japan

X-----X

## DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described goods brought in by incoming passenger Vicente Valenzuela Benig, a holder of Passport No. 529038151, from Japan, for violation of Section VII of Department of Agriculture Administrative Order No. 9, series of 2010, and Section 119 in relation to Section 1113(f) of RA No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA).

The antecedent facts of the instant case are as follows:

1. On 26 February 2022, the baggage of incoming Filipino passenger Vicente Valenzuela Benig with Passport No. 529038151 was subjected to non-intrusive profiling at NAIA Terminal 3 and was marked "X" by XIP Operator Marcelino Balmaceda;
2. The assigned Customs Examiner, Mona Cielo Magnaye before conducting physical examination, instructed passenger Benig to fill-up a Customs Baggage Declaration Form (CBDF) and asked if he has anything to declare to which he replied in the affirmative;
3. In the accomplished CBDF, passenger Villarosa declared that he was bringing with him "foodstuffs";
4. Customs Examiner Magnaye then proceeded with the physical examination of the baggage of passenger Benig and found six (6) kilograms and five hundred (500) grams of processed turkey, three (3) kilograms and seven hundred fifty (750) grams of ham, two (2) kilograms of fresh beef, three (3) kilograms of pork sausage, two (2) kilograms and six hundred (600) grams of chicken meat balls, three hundred forty (340) grams of bacon and five hundred (500) grams of ground beef with an estimated value of One Hundred Dollars (USD 100);
5. The subject goods were then referred to the duty Veterinary Quarantine Officer

6. Arnel Frederick A. Fetalino. For failure of passenger Benig to present the required import permits/clearances, the subject goods were confiscated and issued Notice of Violation No. 2021-0225-01 dated 26 February 2022;
7. On 08 March 2022, this Office received a Memorandum dated 28 February 2022 for the District Collector, this Port, of Verne Y. Enciso, Station Chief, CIIS-NAIA, with the subject " Incident Report on Intercepted Meat";
8. On 16 March 2022, this Office received a Memorandum dated 27 February 2022 of Customs Examiner Mona Cielo D. Magnaye, Acting Flight Supervisor Jennifer Ivy M. Orbeta, thru Roberto A. Quintana, Chief, Arrival Operations Division, Atty. Ma. Lourdes V. Mangaoang, CSEE, Deputy Collector for Passenger Service, recommending the confiscation of the subject goods for violation of Department of Agriculture (DA) Administrative Order (AO) No. 09 series of 2010;

On the basis of the records on file, it is indubitable that the subject goods were imported without the required Sanitary and Phytosanitary Import Clearance in violation of Section VII of DA Administrative Order No. 9, series of 2010/2020, which provides:

**SECTION VII. Confiscation and Disposal of Refused Entry Products/Commodities**

**A. If it appears from the examination of subject product/commodity that:**

x x x                      x x x

**(4) arriving without the required SPS Import Clearance and International SPS Certificate; x x x**

**shall be seized, confiscated or refused admission, unless such product/commodity is exported under regulations prescribed by the Bureau of Customs within ninety (90) days of the date of notice of such refusal or within such time as may be permitted pursuant to such regulations;**

**C. A Notice of Confiscation shall state the reason/s for the confiscation; a copy of said Notice shall be given to the BOC district collector. x x x Further, the Notice shall indicate the date of condemnation and disposal of the product/commodity.**

**D. All products or commodities covered by this AO imported or brought into the Philippines unlawfully shall be disposed of in any of the following manners:**

**1. Confiscated and destroyed;**

x x x                      x x x

On this score, Paragraph 3.5 of Section 3 of Customs Memorandum Order No. 4-2018 (A) in relation to Section 119, Paragraph (d) 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 six (6) kilograms and five hundred (500) grams of processed turkey, three (3) kilograms and seven hundred fifty (750) grams of ham, two (2) kilograms of fresh beef, three (3) kilograms of pork sausage, two (2) kilograms and six hundred (600) grams of chicken meat balls, three hundred forty (340) grams of bacon and five hundred (500) grams of ground beef brought in by incoming passenger Vicente Valenzuela Benig, be, as it is hereby declared **Ipso Facto forfeited** in favor of the government for violation of Section VII of Department of Agriculture Administrative Order No. 9, series of 2010, and Section 119 in relation to Section 1113(f) of RA No. 10863 otherwise known as the Customs Modernization and Tariff Act, which was already turned-over to the Bureau of Animal Industry pursuant to Customs Administrative Order No. 10-2020.

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,        March 2022.

MAR 18 2022  
  
CARMELITA M. TALUSAN, CESO V  
District Collector

Law/MMA/HAM