



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



#823169342

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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 084-2022 (NAIA)

-versus-

Outbound package declared as "Philippine delicacies/condiments" but found to contain 18 specimen tubes with assorted black ants, covered by DHL AWB No. 4250021823, sent by **PAULINE DELA CRUZ**, with address at Perez, Valenzuela City, Philippines, which was found to contain eighteen (18) specimen tubes containing black ants.

x-----x

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-captioned outbound package at the DHL Express Export Hub for violation of Sections 11 and 27 (i) of Republic Act No. 9147, otherwise known as the Wildlife Resources conservation and Protection Act", and Section 1113 (f) in relation to Section 119 of the Customs Modernization and Tariff Act (CMTA).

The antecedent facts of the instant case are as follows:

1. On March 9, 2022, after proper coordination with the concerned offices, Caill G. Dimangadap, Chief, Export Division, dispatched Christopher L. Patricio, Trade Control Examiner, to conduct an actual physical examination of the above-described package bound for export to France thru the DHL Express Gateway Hub;
2. The subject outbound package was sent by **PAULINE DELA CRUZ**, with address at Perez, Valenzuela City, and consigned to **THIBAUD TOREL**, with delivery address at 3 Bis Rue De La Queue Du Renard Etampes France;
3. In the presence of the representatives of the XIP, ESS, and the DHL Express, Trade Control Examiner Patricio conducted an actual physical examination of the subject package, which yielded eighteen (18) specimen tubes containing assorted black ants;
4. After the actual examination and inventory, the assorted black ants were turned over to Mr. Theodore Rodrigo N. Agir of the Department of Environment and Natural Resources (DENR) for proper safekeeping;
5. In his Memorandum dated March 10, 2022, Trade Control Examiner Patricio reported his findings on the subject package and recommended that a Warrant of Seizure and Detention be issued against the same for violation of Sections 11 and (27) (i) of Republic Act 9147, otherwise known as the Wildlife Resources Conservation and Protection Act", and Section 117 in relation to 1113 (f) of the Customs Modernization and Tariff Act (CMTA);

6. In a Disposition Form dated March 10, 2022, Calil G. Dimangadap, Chief, Export Division, concurred with the recommendation for the issuance of Warrant of Seizure and Detention against the subject outbound package for the afore-stated violations of law, and thereafter forwarded the documents to the District Collector, this Port;

At this juncture, it bears stressing that the assorted black ants are liable for forfeiture for violation of Sections 11 and (27) (i) of Republic Act 9147, otherwise known as the Wildlife Resources Conservation and Protection Act”, and Section 1113 (f) in relation to Section 117 of the Customs Modernization and Tariff Act (CMTA).

Concomitantly, Sections 11 and 27 of Republic Act 9147, otherwise known as the “Wildlife Resources Conservation and Protection Act of 2001”, are instructive and authoritative, to wit:

“Section 11. Exportation and Importation of Wildlife. – Wildlife species may be exported to or imported from other countries as may be authorized by the Secretary or his designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto, provided that the recipient of the wildlife is directly and financially capable to maintain it.”

“Section 27. Illegal Acts. – Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and habitats or to take the following acts:

(i) transporting of wildlife;

x x x x x x”

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ***ipso facto*** forfeited in favor of the government, x x x The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.”

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 outbound package containing assorted black ants be, as it is hereby declared ***Ipso Facto forfeited*** in favor of the government for violation of Sections 11 and 27 (i) of Republic Act No. 9147, otherwise known as the Wildlife Resources conservation and Protection Act”, and Section 1113 (f) in relation to Section 119 of the Customs Modernization and Tariff Act (CMTA),

which was already turned-over to the Wildlife Traffic Monitoring Unit, DENR, 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, **MAR 21 2022** _____ March 2022.


CARMELITA M. TALUSAN, CESO V
District Collector

Law/MMA/EYLIV