

## BUREAU OF CUSTOMS MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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#### **MEMORANDUM**

FOR

: M/ GEN. BIENVENIDO R. DATUIN, JR.

Chief, Public Information and Assistance Division

FROM

CARMELITA M. TALUSAN, CESE

District Collector

SUBJECT

: PUBLICATION IN THE BOC WEBSITE OF A COPY OF

WARRANT OF SEIZURE AND DETENTION NO. 154-2021 (NAIA)

DATE

**13 DECEMBER 2021** 

#### REFERENCE:

1. Warrant of Seizure and Detention No. 154-2021 (NAIA);

#### BACKGROUND:

2. On December 9, 2021, this Port issued a Warrant of Seizure and Detention No. 154-2021 (NAIA), seizing "Twenty four (24) pieces of Sunscreen Lotions, and Thirty (30) sets of Dental Tool Kits", brought in by incoming passenger DIWATA E. OPOC, Filipino national and holder of Passport No. P5966234B, for violation of Section 1113 in relation to Section 117 of the CMTA,RA No. 9711, otherwise known as Food and Drug Administration Act;

#### DISCUSSION:

- 3. As the aforementioned passenger/owner of the goods is a foreigner who has no Philippine address, a copy of Warrant of Seizure and Detention with Seizure Identification No. 154-2021 (NAIA) must have to be served by posting of the same in the bulletin board of this Port and by electronic posting in the BOC website for fifteen (15) days, as provided under Section 6.5.2. of CMO No. 10-2020, to wit:
  - **6.5.2.** To owner of the goods or his authorized representative.

For the purpose of serving the WSD, the importer, consignee, named in the bill of lading or airway bill, or processor shall be deemed the owner of the goods.

If the owner is unknown, with insufficient address, or a foreign entity or individual, service shall be effected by posting of the WSD by the ESS in the bulletin board of the concerned district office, and <u>by electronic posting through the BOC website</u>, or printed publication, for <u>fifteen</u> (15) days.

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4. In view of the foregoing, it is hereby respectfully requested that a copy of the Warrant of Seizure and Detention No. 154-2021 (NAIA) be electronically posted with the BOC website for fifteen (15) days. A copy of said warrant is herein attached. Furthermore, scan copy thereof was also sent to <a href="mailto:Piad@customs.gov.ph">Piad@customs.gov.ph</a> and <a href="mailto:Jessil.garlando@customs.gov.ph">Jessil.garlando@customs.gov.ph</a>.

Respectfully submitted.

DECISION MA	ATRIX		
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	<b>M/GEN BIENVENI</b> I Ch	ief	
	Public Information an	d Assistance Division	
Remarks:			

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#### **MEMORANDUM**

FOR

: CARMELITA M. TALUSAN, CESE

District Collector

**THRU** 

ATTY. MARLON M. AGACETA

Chief, Law Division

FROM

ATTY. MANUEL O. ZURBITO

Handling Lawyer

SUBJECT

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#### DISCUSSION:

- 3. As the aforementioned passenger/owner of the goods has insufficient address, a copy of Warrant of Seizure and Detention with Seizure Identification No. 154-2021 (NAIA) must have to be served by posting of the same in the bulletin board of this Port and by electronic posting in the BOC website for fifteen (15) days, as provided under Section 6.5.2. of CMO No. 10-2020, to wit:
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If the owner is unknown, with insufficient address, or a foreign entity or individual, service shall be effected by posting of the WSD by the ESS in the bulletin board of the concerned district office, and **by electronic posting through the BOC website**, or printed publication, for **fifteen** (15) days.

#### RECOMMENDATION:

**DECISION MATRIX** 

4. In view of the foregoing, it is hereby respectfully recommended that this Port submit a Memorandum to the Public Information and Assistance Division, this Bureau, requesting for the posting of a copy of the Warrant of Seizure and Detention No. 154-2021 (NAIA) for fifteen (15) days. Attached herewith is a draft Memorandum, for your signature, if in accord.

# CARMELITA M. TALUSAN, CESE District Collector Remarks:



### **BUREAU OF CUSTOMS**

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



**MEMORANDUM** 

**FOR** 

: SP/CAPT. PEDRO IRINEO D. GUTIERREZ

**District Commander, ESS-CPD** 

**SUBJECT** 

**SEIZURE IDENTIFICATION NO. 154-2021 (NAIA)** 

Twenty four (24) pieces of Sunscreen Lotions, and Thirty (30) sets of Dental Tool Kits, brought in by incoming passenger DIWATA E. OPOC, Filipino national and holder

of Passport No. P5966234B

**DATE** 

: 9 DECEMBER 2021

Kindly cause the service of the herewith attached Warrant of Seizure and Detention to the Arrival Operations Division, and posting at the Bulletin Board of the NAIA Customhouse due to Consignee's insufficient address.

**6.6.** Return of Service of Warrant. The ESS or duly deputized officer tasked to serve the WSD shall submit to the District Collector a return within twenty-four (24) hours from the service thereof as specified in this CAO. Failure to submit the required return within the time prescribed period shall subject the defaulting officer to appropriate administrative charges and penalties in accordance with the pertinent civil service rules and regulations.

Immediate service and submission of the required return of service pursuant to CAO No. 10-2020 will be highly appreciated.

By the authority of the Chief, Law Division

Copy furnished:

Office of the District Collector NAIA Customhouse



# MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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9 December 2021

DIWATA E. OPOC Insufficient address By Posting at the Bulletin Board

Subject:

Seizure Identification No. 154-2021 (NAIA)

Twenty four (24) pieces of Sunscreen Lotions, and Thirty (30) sets of Dental Tool Kits, brought in by incoming passenger DIWATA E. OPOC, Filipino national and holder of Passport No. P5966234B

This refers to the shipment which is covered by Seizure Identification No. 154-2021 (NAIA) issued on December 9, 2021 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

Kindly submit your Verified Position Paper within seven (7) days from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

- 1. Issues of the Case;
- Proposed Stipulation and Admission;
- Arguments;
- 4. Exhibits; and
- Possible Offer of Settlement.

For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

for ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case

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#### REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION NO. 154-201 (NAIA)

-versus-

Twenty four (24) pieces of Sunscreen Lotions, and Thirty (30) sets of Dental Tool Kits, brought in by incoming passenger **DIWATA E. OPOC**, Filipino national and holder of Passport No. P5966234B.

-----X

#### WARRANT OF SEIZURE AND DETENTION

TO: The District Commander ESS-CPD, NAIA District Office

GREETINGS!

X-----

WHEREAS, the above-described articles were brought into the Philippines by incoming passenger Diwata E. Opoc who arrived at NAIA Terminal 1 on June 28, 2021 on board Philippine Airlines (PAL) Flight 105 from San Francisco, USA;

WHEREAS, the subject articles were discovered after passenger Opoc passed her luggage through x-ray for inspection, thus, it was marked with "X" by XIP Inspector Guillermo Catanaoan;

WHEREAS, passenger Opoc and her luggage was referred to Hirosika F. Liscano, Acting Customs Examiner, who informed her that his luggage was marked with "X", so it will be subjected to 100% physical examination. She also inquired if she has anything to declare, and she replied in the negative. Customs Examiner Liscano requested passenger Opoc for her Passport and Customs Baggage Declaration Form, and after going over them, she then proceeded with the actual examination of her luggage;

WHEREAS, the actual examination of the luggage of passenger Opoc yielded the following articles:

Twenty four (24) pieces Sunscreen Lotion Thirty (30) sets Dental Tool Kits

WHEREAS, the above-described articles were turned over to the In Bond Room under Held Baggage Receipt (HBR) No. 00542464 for safekeeping;

WHEREAS, in a Memorandum dated June 28, 2021, Acting Customs Examiner Hirosika F. Liscano, with the concurrence of Sahlee Ysa-al, Flight Supervisor, Elizabeth B. Pableo, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, Deputy Collector for Passenger Service, reported to the District Collector, this Port, her findings and recommended that subject articles be seized for lack of Import Permit/Clearance from the Food and Drug Administration pursuant to Republic Act (RA) 9711, otherwise known as the Food and Drug Administration Act;

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WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the subject shipment for violation of Section 1113 in relation to Section 117 of RA No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) and RA No. 9711 otherwise known as Food and Drug Administration Act;

WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules and regulations, it is hereby ordered and decreed that the Twenty four (24) pieces of Sunscreen Lotions, and Thirty (30) sets of Dental Tool Kits brought in by incoming passenger Diwata E. Opoc be, as it is hereby ordered seized for violation of Section 1113 in relation to Section 117 of RA No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) and RA No. 9711 otherwise known as Food and Drug Administration Act, to be turned over to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized is to be strictly observed.

SO ORDERED.

NAIA Customhouse, Pasay City, Metro Manila, \_\_\_\_\_December 2021.

CARMELITAM. TALUSAN, CESE

District Collector

Law/mma/ moz







#### **MEMORANDUM**

**FOR** 

**COLL. CARMELITA M. TALUSAN, CESE** 

District Collector Collection District III

THRU

V. MANGAOANG, CSEE

Deputy Collector for Passenger Service

20 abler

**ELIZABETH B. PABLEO, Ph.D.** Chief, Arrival Operations Division

From

HIROSIKA R. LISCANO Acting Customs Examiner

SAHLÉE YSA-AL Acting/Flight Supervisor

INCAU OF KUSTOMS-NAIA OFFICE OF THE DEPUTY COLLECTOR FOR PASSENGER SERVICE

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FERNINGS Time: 12:10

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SUBJECT

Incident Report on the Interception of Twenty Four (24) Pieces of Sunscreen Lotions and Thirty (30) Sets of

**Dental Tool Kits** 

DATE

June 28, 2021

**BACKGROUND:** 

1. REFERENCES:

a. CAO 1-2017 - Customs clearance of accompanied and unaccompanied baggage of travellers and crew in relation to Section 437 of CMTA - (Traveller and Passenger Baggage)

b. Section 202 of CMTA – Functions of the Bureau

c. Section 117 of CMTA – Regulated Importation and Exportation

#### **DISCUSSIONS:**

- 2. On 28 June 2021 at about 0415H, the above mentioned Customs Examiner assigned at the Arrival Area of Terminal 1, while on tour of duty, intercepted a Philippine Airline Crew named Diwata E. Opoc, with passport number P5966234B, on board PR 105 from San Francisco, USA after her checked-in baggage was marked with "x" by XIP operator Guillermo Catanaoan.
- 3. Before conducting the physical examination, the Customs Examiner courteously approached the crew and informed her that her bag has "X" mark and are

#### IV. ATTACHMENTS:

- a. Photocopy of Passport b. Photocopy of Veterinary Motice of Violation No. 2021-11-19-21 c. Photocopy of Veterinary Motice of Violation No. 2021-11-19-21
- d. Printed Images of Goods apprehended







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subject for 100% physical examination. The examiner asked the crew to hand over her passport and Customs Baggage Declaration Form (CBDF).

4. The Customs Examiner asked if Ms. Opoc had anything to declare to which she replied in the negative. Likewise, she did not declare any goods in her CBDF.

#### **FINDINGS:**

- 5. Customs Examiner's Findings Physical yielded and resulted to the discovery of the following:
  - Twenty Four (24) pieces of Sunscreen Lotions; and
  - Thirty (30) sets of Dental Tool Kits.

#### **ACTION TAKEN:**

- 6. Discovered goods were then held for presentation of Food and Drugs Administration (FDA) permits. Held Baggage Receipt (HBR) was issued to the crew with HBR No. 00542464 and the goods were turned over to the In-bond Unit, Baggage Assistance Division for safekeeping.
- 7. For your information.

#### **ATTACHMENTS:**

- Image of Passport
- Image of Customs Baggage Declaration Form
- Image of HBR No. 00542464
- Image of apprehended imported article

## B. DIRECTIVE/RATIONALE FOR SUBMISSION OF THE INCIDENT REPORT

a. Pursuant to the Memorandum dated June 20, 2019 of the Deputy Collector for Passenger Service to submit an Incident Report on Seizures of regulated goods not covered by Import Clearances

#### II. DISCUSSION:

#### **A. NARRATION OF FACTS**

- 1. On November 19, 2021 at about 2320H, at Terminal 1, the baggage of a female Filipino passenger named ANASTACIA C. PUNO with passport number P7414587B on board JL 745 from Narita, Japan was marked with "X" by XIP Operator Mohamad Jonaid M. Udasan and was referred to the above-signed Customs Examiner.
- 2. Before conducting the physical examination, the examiner asked the passenger if she accomplished a Customs Baggage Declaration Form (CBDF) and if she had anything to declare. The passenger answered in the negative and handed out her passport and the accomplished CBDF. The Examiner saw that said passenger ticked "no" to all items pertaining to page 3 of said form. The Examiner then proceeded to the examination.

#### **B. FINDINGS:**

3. Customs Examiner's Findings - Physical examination yielded and resulted to the discovery of Sixteen (16) kilograms of Fresh Frozen Beef Ribeye with an estimated value of \$700.

## C. RELEVANT CUSTOMS AND RELATED LAWS, RULES AND REGULATIONS VIOLATED

4. Lack of Import Permit in violation of Department of Agriculture Administrative Order No. 18 Series of 2000, Department of Agriculture Administrative Order No. 09 Series of 2010, and related Department of Agriculture (DA) and Bureau of Animal Industry (BAI) Jaws, rules and regulations.

#### D. ACTION TAKEN:

5. The examined goods were then referred to the on-duty Quarantine Officer Mr. Marco Edgardo A. Padilla (Bureau of Animal Industry). The Quarantine Officer thereafter confiscated the goods after said passenger failed to present the required import permit/clearance. Veterinary Notice of Violation No. 2021-11-19-21 was issued to the passenger.

#### III. RECOMMENDATION

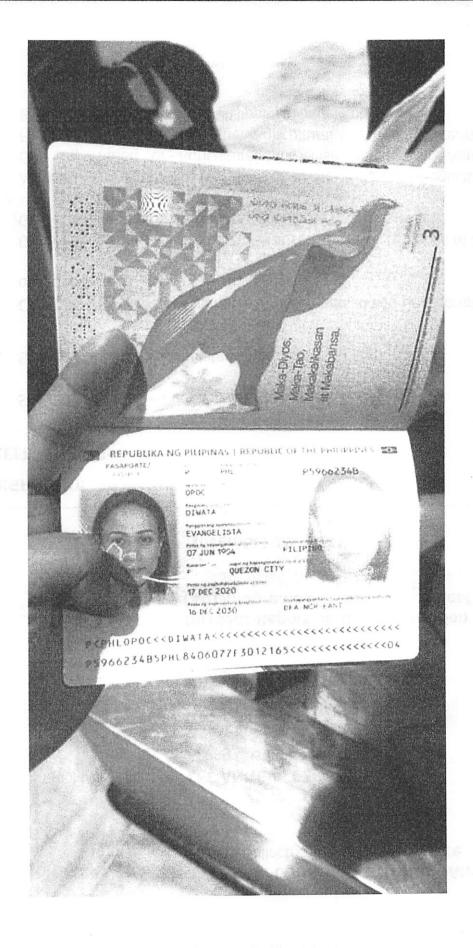
6. Confiscation of the goods.



## TIREAU OF CUSTOMS MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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## BUREAU OF CUSTOMS MAKABAGONG ADUANA, MATATAG NA EKONOMIYA

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#### **MEMORANDUM**

FOR

Coll. CARMELITA M. TALUSAN, CESE

**District Collector** 

**NAIA Collection District III** 

THRU

ATTY. MA. LOURDES V. MANGAOANG, CSEE

Deputy Collector for Passenger Service

**FROM** 

LEE ANNE A. PEREZ

**Acting Customs Examiner** 

CLAIRE ANN M. MOJICA Acting Flight Supervisor

SUBJECT

Incident Report on the interception of Sixteen

(16) Kilograms of Fresh Frozen Beef Ribeye

DATE

November 19, 2021

#### I. BACKGROUND:

#### A. REFERENCE/S:

a. Sec. 202 of ØMTA – Functions of the Bureau

:

- b. Sec. 117 of CMTA Regulated Importation and Exportation
- c. CAO 1-2017 Customs Clearance of Accompanied and Unaccompanied Baggage of Travelers and Crew
- d. Department of Agriculture Administrative Order No. 18 Series of 2000 Revised Guidelines in the importation of Agricultural Products
- e. Administrative Order No. 09 Series of 2010 Rules and Regulations Governing the Importation of Agricultural and Fish and Fishery/Aquatic Products, Fertilizers, Pesticides and other Agricultural Chemicals, Veterinary Drugs and Biological Products into the Philippines, as amended



# PUREAU OF CUSTOMS



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