



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

## MEMORANDUM

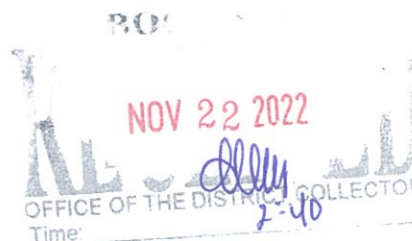
**FOR** : CARMELITA M. TALUSAN, CESO V  
District Collector

**THRU** :  ATTY. DANILO M. CAMPOS JR.  
Chief, Law Division

**FROM** :  ATTY. MANUEL O. ZURBITO JR.  
Handling Lawyer

**SUBJECT** : PUBLICATION IN THE BOC WEBSITE OF A COPY OF  
WARRANT OF SEIZURE AND DETENTION NO. 085-2022 (NAIA)

**DATE** : 22 NOVEMBER 2022



## REFERENCE:

1. Warrant of Seizure and Detention No. 085-2022 (NAIA);

## BACKGROUND:

2. On November 21, 2022, this Port issued a Warrant of Seizure and Detention No. 085-2022 (NAIA), seizing One Hundred Twenty Six (126) Packets of Assorted Chinese Medicines and twenty (20) pieces of COVID-19 Test Kits, brought in by passenger JI LONGSAN on June 2, 2022 and held in bond under Held Baggage Receipt (HBR) No. 00100000269, for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the CMTA, in relation to Section 10 of RA No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing RA No. 9711 - FDA Act of 2009.

## DISCUSSION:

3. As the aforementioned owner/claimant of the goods has no given address, a copy of Warrant of Seizure and Detention with Seizure Identification No. 085-2022 (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 Customs Administrative Order (CAO) No. 10-2020 dated 05 June 2020 bearing the subject "Seizure and Forfeiture Proceedings and Appeals Process" *to wit*:

**"6.5.2.** To the 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 **by electronic posting through the BOC website**, or printed publication, for **fifteen (15) days.**"

**RECOMMENDATION:**

4. In view of the foregoing, it is hereby respectfully recommended that this Port submit a Memorandum to the Public Information and Assistance Division (PIAD), this Bureau, requesting for the posting of a copy of the Warrant of Seizure and Detention with Seizure Identification No. 085-2022 (NAIA) for fifteen (15) days.

If in accord, attached hereto is a Memorandum addressed to M/Gen. Bienvenido R. Datuin, Jr., for the District Collector's approval and signature.

**DECISION MATRIX**

**APPROVED**

**DISAPPROVED**

  
**CARMELITA M. TALUSAN, CESO V**  
District Collector

Remarks:

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# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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21 November 2022

**MR. JI LONGSAN**

No given address

By posting/publication

**Subject : Seizure Identification No. 085-2022**

Republic of the Philippines vs One Hundred Twenty Six (126) Packets of Assorted Chinese Medicines and twenty (20) pieces of COVID-19 Test Kits, brought in by passenger JI LONGSAN on June 2, 2022 and held in bond under Held Baggage Receipt (HBR) No. 00100000269

This refers to the shipment which is covered by Seizure Identification No. 085-2022 (NAIA) issued on November 21, 2022 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;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. 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](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

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



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
 NO. 085-2022 (NAIA)

-versus-

One Hundred Twenty Six (126) Packets  
 Of Assorted Chinese Medicines and  
 Twenty (20) pieces of COVID-19 Test  
 Kits, brought in by passenger **Ji  
 LONGSAN** on June 2, 2022 and held in  
 bond under Held Baggage Receipt  
 (HBR) No. 00100000269.

X-----X

**WARRANT OF SEIZURE AND DETENTION**

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

**GREETINGS!**

WHEREAS, the above-described articles were brought into the country by incoming passenger Ji Longsan, a Chinese citizen and holder of Passport No. PE2112428, who arrived on June 2, 2022 on board Flight CZ3091 from China;

WHEREAS, before conducting an actual physical examination of the check-in baggage of Mr. Longsan, Meagan P. Morales, Acting Customs Examiner, requested Mr. Longsan for his Customs Baggage Declaration Form. She asked him if he has anything to declare, to which he replied in the affirmative; likewise, it was noted that said passenger ticked "NO" to all items pertaining to page 3 of the CBDF, except for Item No. 4 thereof;

WHEREAS, Acting Examiner Morales conducted an actual examination of the check-in baggage of passenger Longsan where she found inside one hundred twenty six (126) packets of assorted Chinese medicines and twenty (20) pieces Covid19 Test Kits with a total estimated value of One Hundred Sixty US dollars (US\$160.00);

WHEREAS, Mr. Longsan failed to present prior Import Permit/Clearance from the Food and Drug Administration (FDA);

WHEREAS, the subject articles were turned over to the In-Bond Room, Baggage Assistance Division, for custody and safekeeping;

WHEREAS, Held Baggage Receipt (HBR) No. 00100000269 was issued to passenger Longsan;

WHEREAS, in a Memorandum for the District Collector dated June 3, 2022, Acting Examiner Meagan Morales, thru Anthony B. Relucio, Acting Flight Supervisor, Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, reported her findings and

recommended that Ji Longsan be required to present the Import Permit from the Food and Drug Administration (FDA);

WHEREAS, per Memorandum dated 17 October 2022, Mr. Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, recommended the issuance of a Warrant of Seizure and Detention (WSD) against the 126 packets of assorted Chinese medicines and 20 pieces Covid19 Test Kits, among others, which were held in-bond at the In-Bond Section, Baggage Assistance Division and held in custody under Held Baggage Receipt No. 00100000269, for lack of FDA Import Clearance in violation of Republic Act No. 9711 or the Food and Drug Administration Act of 2009;

WHEREAS, Section 10 of RA No. 9711 or the Food and Drug Administration (FDA) Act of 2009 provides:

"Section 10. subsections (a), (b), (d), (g), (j),(k) and (l) of Republic Act No. 3720, as amended, are hereby further amended to read as follows:

"SEC. 11. The following acts and the causing thereof are hereby **prohibited**:

"(k) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, or retail of any drug, **device** or in-vitro diagnostic reagent; the manufacture, importation, exportation, transfer or distribution of any food, cosmetic or household/urban hazardous substance; or the operation of a radiation or pest control establishment by any natural or juridical person **without the license to operate from the FDA required under this Act.**" (Emphasis ours)

Moreover, Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009 states:

"Section 1. General Provisions.

1. The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship of any health product **without the proper authorization from the FDA is prohibited.**
2. The manufacture, **importation**, exportation sale, offering for sale, distribution transfer, or retail of any drug or device; the manufacture, importation, exportation transfer or distribution of any food, cosmetics, household hazardous substances or urban pesticides; or the operation of a radiation facility or pest control establishment **without the appropriate authorization from the FDA is prohibited.**" (Emphasis and underscoring ours)

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector found probable cause for the issuance of Warrant of Seizure and Detention against the subject package for

violation of Section 117 (Regulated Importation and Exportation) and Paragraph (F) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711-The Food and Drug Administration Act of 2009;

WHEREFORE, by virtue of the authority vested by law in this Office, it is hereby ordered and decreed that the subject package be, as it is hereby ordered seized for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (F) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711-The Food and Drug Administration Act of 2009, to be turned over to the Auction and Cargo Disposal Division (ACDD), this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, custody and safekeeping pursuant to CAO No. 10-2020 pending resolution of the instant seizure and forfeiture case, or until ordered by the District Collector, this Port.

Compliance with Customs Administrative Order (CAO) 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 be strictly observed.

SO ORDERED.

NOV 21 2022  
NAIA Customhouse, Pasay City, \_\_\_\_\_ November 2022.

  
**CARMELITA M. TALUSAN, CESO V**  
District Collector