



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 099-2022 (NAIA)

-versus-

Twelve Thousand Nine Hundred Thirty-Nine and Fifty-Three Grams (12,939.53g) of Methamphetamine Hydrochloride with an Estimated Value of Eighty Seven Million Nine Hundred Eighty-Eight Thousand, Eight Hundred Four Pesos (Php87,988,804.00) found inside the two (2) baggages brought in by passenger **IRENE CAROLINE BOTHA** with Passport No. A08834996

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the Twelve Thousand Nine Hundred Thirty-Nine and Fifty-Three Grams (12,939.53g) of Methamphetamine Hydrochloride found inside two (2) baggages owned by passenger **IRENE CAROLINE BOTHA** for violation of Section 4 of Republic Act (RA) No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and Section 119 (d) in relation to Section 1113 (f) of RA 10863, also known as the Customs Modernization and Tariff Act (CMTA).

A cursory review of the entire records of the instant seizure and forfeiture case reveals the following antecedents, to wit:

1. On 29 October 2022, Passenger Irene Caroline Botha, a South African National with Passport No. A08834996 arrived at NAIA Terminal 3 via Emirates Flight EK 0334 from Dubai.
2. One of her baggages was marked "X" by X-ray Operator Eric Macaombang during routine x-ray inspection.
3. In her presence, Philippine Drug Enforcement Agency (PDEA) Agent Niccariza Mendoza thru PDEA K9 Handler Mark Velarde conducted K9 inspection on the subject baggages using a PDEA Narcotic Detection Dog (NDD) which resulted to positive indication for presence of dangerous drugs.
4. Consequently, the matter was assigned to Customs Examiner Tito S. Ignacio, Jr. where he initially asked the passenger if she already accomplished a Customs Baggage Declaration Form (CBDF) to which she replied in the negative. Examiner Ignacio then asked Passenger Botha to submit her

passport and handed a CBDF for her to fill-out. The passenger submitted the accomplished CBDF without any declaration. For confirmation, she was then asked if she had anything to declare to which she replied in the negative. Examiner Ignacio also asked if she owns the baggages with baggage tag bearing the name of BOTHAVIRENE CAROLINE, to which she affirmed.

5. Thereafter, in her presence; Customs Flight Supervisor Patrick G. Guerrero; Customs Enforcement and Security Service (ESS) personnel; Customs X-ray Inspection Project (XIP) personnel; Customs Intelligence and Investigation Service (CIIS) personnel; PDEA operatives; and NAIA-IADITG operatives, Customs Examiner Ignacio proceeded first in conducting physical examination of the passenger's blue luggage, which was previously marked "X", and revealed assorted clothes, shoes and hygiene products.
6. After removing the contents of the luggage, Examiner Ignacio noticed that the surface of the inside front part of the luggage was suspiciously uneven, while the bottom part of it was unusually fastened with screws. He then scrutinized the front part of the luggage. It was found to contain one (1) improvised pouch wrapped with carbon paper. The said pouch was opened and white crystalline substance was found. He also scrutinized the bottom part of the luggage to which it also revealed one (1) improvised pouch wrapped with carbon paper containing the same crystalline substance.
7. Flight Supervisor Guerrero then advised the Customs Examiner Ignacio to transfer to the Exclusion Room to protect the privacy of the said passenger.
8. At about 0120H at the Exclusion Room, together with the passenger; Flight Supervisor Guerrero; Customs Enforcement and Security Service (ESS) personnel; Customs X-ray Inspection Project (XIP) personnel; Customs Intelligence and Investigation Service (CIIS) personnel on duty; Philippine Drug Enforcement Agency (PDEA) operatives; and NAIA-IADITG operatives, examined the other black luggage of passenger Botha. While removing assorted clothes contained in the luggage, Examiner Ignacio noticed that the luggage has also an uneven surface on its inner front part and unusually fastened with screws at the bottom part, the same as the one previously examined blue luggage.
9. Upon inspection, the inner front and bottom part of the black luggage also revealed to contain two (2) improvised pouches wrapped with carbon papers each containing white crystalline substances. Said substance tested positive for Methamphetamine upon conduct of field test by Agent Mendoza.
10. Customs Examiner Ignacio personally turned-over the seized drugs to PDEA Laboratory Service for laboratory examination and received by Duty Chemist Maria Lian C. Candido. Per Chemistry Report No. PDEA-NCR-22-0255 dated 29 October 2022, revealed that the said samples submitted yielded POSITIVE for the presence of Methamphetamine Hydrochloride, a dangerous drug under R.A. No. 9165.

11. In a Memorandum dated 12 December 2022, Customs Examiner Tito S. Ignacio, Jr.; Flight Supervisor Patrick G. Guerrero, thru Robert A. Quintana, Chief, Arrival Operations Division; and Atty. Ma. Lourdes V. Mangaoang JD, CSEE, CEO VI, Deputy Collector for Passenger Service, reported the incident to the District Collector Carmelita M. Talusan, CESO V, and recommended for the issuance of Warrant of Seizure and Detention (WSD) against the Twelve Thousand Nine Hundred Thirty-Nine and Fifty-Three Grams (12,939.53 gms.) of Methamphetamine Hydrochloride found inside the two (2) baggages of passenger Irene Caroline Botha for violation of Section 4 of Article II of RA 9165 (Comprehensive Dangerous Drugs Act of 2002) in relation to Section 119, 1113, 1401 and 1404 of the Customs Modernization and Tariff Act (CMTA).

On the basis of the records of the instant case, it is indubitable that the Twelve Thousand Nine Hundred Thirty-Nine and Fifty-Three Grams (12,939.53 gms.) of Methamphetamine Hydrochloride found inside the two (2) baggages of passenger Irene Caroline Botha, a dangerous drug under the Comprehensive Dangerous Drugs Act of 2002 is restricted under paragraph d, Section 119 (Restricted Importation and Exportation of the Customs Modernization and Tariff Act (CMTA)). On this score, Paragraph 3.5 of Section 3 of Customs Memorandum Order (CMO) No. 4-2018 (A) bearing the subject "Amendment of CMO No. 4-2018 re: Manual of Procedure for Forfeiture Cases", in relation to Paragraph d of Section 119 of the Customs Modernization and Tariff Act are instructive and authoritative, to wit:

*" 3.5 If the subject shipment involves 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 and exportation of the following restricted goods are prohibited: (d) Marijuana, opium, poppies, coca leaves, heroin or other narcotics xxxx.**"*

In conjunction, Section 1113 (f) of the CMTA provides that:

" Section 1113. Property Subject to Seizure and Forfeiture. – Property that shall be subject to seizure and forfeiture include:

(f) Goods, the importation or exportation of which are affected or attempted contrary to law, or any goods of prohibited importation or exportation, and all other goods which, in the opinion of the District Collector, have been used, are or were entered to be used as instruments in the importation or the exportation of the former;"

NOW, THEREFORE, 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 subject Twelve Thousand Nine Hundred Thirty-Nine and Fifty-Three Grams (12,939.53 gms.) of crystalline substance which is positive of Methamphetamine Hydrochloride, a dangerous drug under Republic Act No. 9165 found inside the two (2) baggages of passenger Irene Caroline Botha, as it is hereby declared **IPSO FACTO FORFEITED** in favor of the government for violation of Section 4 of Republic Act (RA) No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, Section 119 (d) in relation to Section 1113 (f) of RA No. 10863, also known as the Customs

Modernization and Tariff Act (CMTA) and Section 3.5 of CMO No. 4-2018 (A), the same having been turned-over to the Philippine Drug Enforcement Agency (PDEA) for final disposition thereof pursuant to Customs Administrative order No. 10-2020 bearing the subject: "Seizure and Forfeiture Proceedings and Appeals Process".

Let copies of this Decision be furnished to all offices and parties concerned for their information and guidance.

S O O R D E R E D.

DEC 27 2022

NAIA Customhouse, Pasay City, _____ December 2022.


CARMELITA M. TALUSAN, CESO V
District Collector