



1 April 2022

PHAM ANH QUANG
Double Dragon Plaza/
Red Planet Manila

Subject : Seizure Identification No. 041-2022
Republic of the Philippines vs Eight (8) Kilograms of Assorted Medicines and Food Supplements covered by Held Baggage Receipt (HBR) Number 00455594 which was held in bond at the Bond Room, Baggage Assistance Division, brought in by passenger Pham Anh Quang

This refers to the shipment which is covered by Seizure Identification No. 041-2022 (NAIA) issued on April 1, 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.

Very truly yours,


ATTY. DANILO M. CAMPOS JR.
Officer-on-Case



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

28

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 041-2022 (NAIA)

-versus-

Eight (8) Kilograms of Assorted Medicines and Food Supplements covered by Held Baggage Receipt (HBR) Number 00455594 which was held in bond at the Bond Room, Baggage Assistance Division, brought in by passenger **Pham Anh Quang**

X-----X

WARRANT OF SEIZURE AND DETENTION

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

GREETINGS!

WHEREAS, on 12 January 2022 at about 1400H, the Assigned Customs Examiner Sybil Charmaine M. Bacyan, stopped a male Vietnam passenger named **Pham Anh Quang**, who arrived from Ho Chi Minh, Vietnam, while he was passing through the Customs lane after she noticed that his box with no "X" mark looked heavy and suspicious;

WHEREAS, the assigned Customs Examiner then asked the passenger if he accomplished a Customs Baggage Declaration Form (CBDF) and if he had anything to declare to which he replied in the affirmative and he handed out his passport and the accomplished CBDF;

WHEREAS, the assigned Customs Examiner noted that the said passenger ticked "no" to all items pertaining to page 3 of said form except for item no. 4;

WHEREAS, the physical examination yielded Eight (8) Kilograms of Assorted Medicines and Food Supplements with an estimated value of US\$ 1,500.00;

WHEREAS, the assigned Customs Examiner Sybil Charmaine M. Bacyan, submitted a Memorandum dated 12 January 2022 bearing the subject: Incident Report on the Interception of Eight (8) Kilograms of Assorted Medicines and Food Supplements, to the District Collector thru Ms. Marlyn O. Edillor, Flight Supervisor; Mr. Roberto A. Quintana, Chief, Arrival Operations Division; and, Atty. Ma. Lourdes V. Mangaoang, CSEE, Deputy Collector for Passenger Service, wherein she reported that the subject items were held in-bond for safekeeping until the presentation of permit/clearance from the Food and Drug Administration (FDA); and which was turned over to the In-Bond Section, Baggage Assistance Division;

WHEREAS, per Memorandum dated 16 March 2022, Mr. Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, CSEE, Deputy Collector for Passenger Service, recommended the issuance of a Warrant of Seizure and Detention (WSD) against the Eight (8) Kilograms of Assorted Medicines and Food Supplements, among others, which were held in-bond at the In-Bond Section, Baggage Assistance Division and held in custody under Held Baggage Receipt No. 00455594 for lack of FDA Import Clearance in violation of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009;

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

"Section 10. Section 11, 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)

WHEREAS, 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 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, 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.

NAIA Customhouse, Pasay City, March 2022.


CARMELITA M. TALUSAN, CESO V
District Collector 