



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

1 April 2022

FENDI

Cityland, Makati

Subject : Seizure Identification No. 045-2022

Republic of the Philippines vs Fifty (50) Boxes of Ivermectin; Eight (8) boxes of Avigan Favipiravir; thirty-two (32) boxes of Zithromax Azithromycin; twenty-Five (25) boxes of HI-D 5000 Cholecalciferol; and One (1) Box of Neomycin Gramicidin covered by Held Baggage Receipt (HBR) Number 00455603 which was held in bond at the Bond Room, Baggage Assistance Division, brought in by passenger Fendi

This refers to the shipment which is covered by Seizure Identification No. 045-2022 (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



30

840 611978

PROFESSIONALISM INTEGRITY ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
 NO. 045-2022 (NAIA)

-versus-

Fifty (50) Boxes of Ivermectin; Eight (8) boxes of Avigan Favipiravir; Thirty-two (32) boxes of Zithromax Azithromycin; Twenty-Five (25) boxes of HI-D 5000 Cholecalciferol; and One (1) Box of Neomycin Gramicidin covered by Held Baggage Receipt (HBR) Number 00455603 which was held in bond at the Bond Room, Baggage Assistance Division, brought in by passenger **Fendi**

X-----X

WARRANT OF SEIZURE AND DETENTION

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

GREETINGS!

WHEREAS, on 13 January 2022 at about 0745H, the assigned Customs Examiner Katrina Lea Rañeses, stopped a male Indonesian passenger named Fendi, who arrived from Jakarta, Indonesia, after his checked-in luggage was marked "X" by XIP Operator Guiller Cataoanan;

WHEREAS, before conducting the physical examination, the assigned Customs Examiner 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 accomplished CBDF;

WHEREAS, the physical examination yielded Fifty (50) Boxes of Ivermectin; Eight (8) boxes of Avigan Favipiravir; Thirty-two (32) boxes of Zithromax Azithromycin; Twenty-Five (25) boxes of HI-D 5000 Cholecalciferol; and One (1) Box of Neomycin Gramicidin with an estimated value of US\$ 2,000.00;

WHEREAS, the assigned Customs Examiner Katrina Lea Rañeses, submitted a Memorandum dated 13 January 2022 bearing the subject: Incident Report on the Interception of Fifty (50) Boxes of Ivermectin; Eight (8) boxes of Avigan Favipiravir; Thirty-two (32) boxes of Zithromax Azithromycin; Twenty-Five (25) boxes of HI-D 5000 Cholecalciferol; and One (1) Box of Neomycin Gramicidin, to the District Collector thru Ms. Regina D. Santos, 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 after said passenger failed to present the required import permit/clearance from the Food and

Drug Administration (FDA); and which was turned over to the In-Bond Section, care of Jonathan Mesa, Baggage Assistance Division for safekeeping;

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 Fifty (50) Boxes of Ivermectin; Eight (8) boxes of Avigan Favipiravir; Thirty-two (32) boxes of Zithromax Azithromycin; Twenty-Five (25) boxes of HI-D 5000 Cholecalciferol; and One (1) Box of Neomycin Gramicidin, among others, which were held in-bond at the In-Bond Section, Baggage Assistance Division and held in custody under Held Baggage Receipt No. 00455603 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,  APR 01 2022 _____ March 2022.


CARMELITA M. TALUSAN, CESO V
District Collector
 