



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 061-2022 (NAIA)

-versus-

Thirty (30) pieces of Cross-linked Hyaluronic Acid Injectable, brought in by passenger **NGUYEN THI HIEP EM** on March 30, 2022, which are held in bond under Held Baggage Receipt No. 0010000630.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

GREETINGS!

WHEREAS, on March 30, 2022, Nguyen Thi Hiep Em, a Vietnamese citizen and holder of Passport No. C7236014, arrived at the NAIA Terminal 2 on board Philippine Airlines Flight PR 592 from Vietnam; her check-in baggage underwent x-ray screening and was marked with "X" by the C-ray Operator on duty at the Arrival Area;

WHEREAS, before conducting an actual examination of the subject baggage, Ms. Lee Ann A. Perez, Acting Customs Examiner, requested Ms. Nguyen for her Customs Baggage Declaration Form, then asked her if she has anything to declare, to which she replied in the affirmative; likewise, her accomplished CBDF indicated that she brought with her thirty (30) pieces of Cross-linked Hyaluronic Acid Injectable;

WHEREAS, Acting Examiner Perez conducted an actual examination of the check-in baggage of passenger Nguyen where she found the thirty (30) pieces of Cross-linked Hyaluronic Acid Injectable. She asked Passenger Nguyen if she has an Import permit for these articles but the passenger admitted she has none;

WHEREAS, the thirty (30) pieces of Cross-linked Hyaluronic Acid Injectable were turned over to the Bond Room, Baggage Assistance Division, under Held Baggage Receipt No. 00100000630 for custody and safekeeping;

WHEREAS, in a Memorandum for the District Collector dated April March 30, 2022 Sahlee C. Ysa-al, Acting Flight Supervisor, Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. MA. Lourdes V. Mangaoang, CSEE, Deputy Collector for Passenger Service, Acting Customs Examiner Lee Anne A. Perez reported her findings and recommended the issuance of Warrant of Seizure and Detention against the thirty (30) pieces Hyaluronic Acid Injectable for violation of Section 117 in relation to Section 1113 (f) and (l - 3, 4 and 5) of the Customs Modernization and Tariff Act (CMTA), and Republic Act 9711, or the Food and Drug Administration Act of 2009;

WHEREAS, Republic Act No. 9711, otherwise known as the Food and Drug Administration Act of 2009, among others, provides:

“Section 10. For purposes of this Act, the term:

“(ff) **‘Health products’** means food, **drugs**, cosmetics, devices biological vaccines, in-vitro diagnostic reagents and household/urban hazardous substances and/or combination of and/or derivatives thereof. It shall also refer to products that may have effect on health which require regulations as determined by the FDA.

“(ii) **‘Licensing’** means the **process of approval of an application to operate or establish an establishment prior to engaging** in the manufacture, **importation**, exportation, sale, offer for sale, distribution, transfer, and where applicable, the use, testing, promotion, advertisement, and/or sponsorship of health products.

“(kk) **‘Registration’** means the **process of approval of an application to register health products prior to engaging in the** manufacture, **importation**, exportation, sale, offer for sale, distribution, transfer and, where applicable, the use, testing, promotion, advertisement, and/or sponsorship of health products.

“Section 11. The following acts and the causing thereof are hereby prohibited:

‘(a) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship **of any health product that is adulterated, unregistered or misbranded;**

‘(j) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertisement, or sponsorship **of any health product which, although requiring registration, is not registered with the FDA pursuant to this Act;**

‘(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 pest control establishment by **any natural or juridical person without the license to operate from the FDA required under this Act.** (Emphasis and underscoring supplied)

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, cosmetic, 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 supplied)


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 thirty (30) pieces Hyaluronic Acid Injectable for violation of Sections 10 and 11 of Republic Act No. 9711, otherwise known as the Food and Drug Administration Act of 2009, Section 117 (Regulated Importation and Exportation), in relation to paragraph (f) of Section 1113, and (1 - 3, 4 and 5) of the Customs Modernization and Tariff Act (CMTA);

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 thirty (30) pieces Hyaluronic Acid Injectable be, as they are hereby ordered seized for violation of Sections 10 and 11 of Republic Act No. 9711, otherwise known as the Food and Drug Administration Act of 2009, Section 117 (Regulated Importation and Exportation), in relation to paragraph (f) of Section 1113, and (1 - 3, 4 and 5) of the Customs Modernization and Tariff Act (CMTA), 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, 14 JUN 2022 2022.


CARMELITA M. TALUSAN, CESO V
District Collector

Law/mma/ey/IV