



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 063-2022 (NAIA)

-versus-

Four boxes containing four hundred (400) vials of Vitamin B12 Cobalamin (1ml/vial), brought in by passenger **ROGER LUMBATAN VACAL**, who arrived on April 19, 2022, which are held in bond under Held Baggage Receipt No. 00100001091.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

GREETINGS!

WHEREAS, on April 19, 2022, Roger Lumbatan Vacal, Filipino and holder of Passport No. P6329936B, arrived at NAIA Terminal 3 on board Singapore Airlines Flight SQ918 from Singapore;

WHEREAS, Mr. Vacal's check-in baggage passed through x-ray screening where it was marked with "X" by XIP Operator Christopher Asuncion; Passenger Vacal and his check-in baggage was referred to Acting Customs Examiner Jane A. Celino for 100% physical examination;

WHEREAS, before conducting an actual examination of the baggage, Acting Examiner Celino asked Mr. Vacal if he has anything to declare to which he answered in the affirmative, and thereafter, he submitted his accomplished Customs Baggage Declaration Form. Acting Examiner Celino saw on page 3 of the CBDF that Mr. Vacal answered "Yes" in Item 12 on page 3 and thereafter conducted an actual examination of the baggage;

WHEREAS, the check-in baggage of Mr. Vacal yielded four (4) boxes containing a total of four hundred (400) vials (1ml per vial) of Vitamin B12 Cobalamin, which, according to Mr. Vacal, are vitamins intended for game fowls; when asked if he has an Import Permit from the Food and Drug Administration for these vitamins, Mr. Vacal admitted that he had none, so the subject Vitamin B12 vials were held in bond for custody and safekeeping at the In Bond Room, Baggage Assistance Division, under Held Baggage Receipt No. 00100001091;

WHEREAS, in a Memorandum for the District Collector dated April 19, 2022, thru Diana Abigail E. Asilo, Acting Flight Supervisor, Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. MA. Lourdes V. Mangaoang, CSEE, Deputy Collector for Passenger Service, reported her findings and recommended the issuance of Warrant of Seizure and Detention against the 400 vials of Vitamin B12 Cobalamin 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, 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, 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 subject medicines for violation of Sections 10 and 11 of Republic Act No. 9711, otherwise known as the Food and Drug Administration Act of 2009 and Sections 117 in relation to Section 1113 (f) and (l – 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 400 vials of Vitamin B12 Cobalamin be, as they are hereby ordered seized for violation of Sections 117 (Regulated Importation and Exportation), in relation to paragraph (f) of Section 1113, and (l – 3, 4 and 5) of the Customs Modernization and Tariff Act (CMTA), and Sections 10 and 11 of Republic Act 9711, otherwise known as the Food and Drug Administration Act of 2009, 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.

S O O R D E R E D.

NAIA Customhouse, Pasay City, Metro Manila, 14 JUN 2022 2022.


CARMELITA M. TALUSAN, CESO V
District Collector 