



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 149 - 2020 (NAIA)

-versus-

US\$7,500.00 found in the package sent through Federal Express, covered by AWB No. 398028063483, and consigned to ENRICO DELA CRUZ of 369 Upper Prinza, Poblacion, Muntinlupa City.

X-----X

D E C I S I O N

This resolves the seizure and forfeiture proceedings instituted against the amount of US\$7,500.00 pursuant to a Warrant of Seizure and Detention dated 06 November 2020 for violation of Section 1400 in relation to Section 1113 of the Customs Modernization and Tariff Act (CMTA), and Republic Act 7653 otherwise known as the New Central Bank Act and the BSP Foreign Exchange Transaction Manual.

The antecedent facts of the instant case are as follows:

1. The subject shipment arrived on October 23, 2020 via Federal Express from the USA, and inbounded at the Fedex Warehouse Facility at the PSI Warehouse, this Port;
2. Consignee, thru the Customs Broker of Federal Express, filed Informal Entry No, 297927, declaring the shipment as "Correspondence/No Value". However, when the subject shipment underwent x-ray screening prior to its inbounding at the Fedex Warehouse Facility, it was marked with "X" after it registered suspicious images in its contents, thus the need for a 100% physical examination thereof;
3. Informal Entry No. 297927 was assigned to Carlos Enrique C. Guiang, COO III. On October 27, 2020, he conducted a 100% physical examination of the shipment in the presence of the representatives of the ESS, CIIS, XIP and Federal Express, and the shipment yielded seventy five (75) pieces of US\$100 bills or the total amount of Seven Thousand Five Hundred US Dollars (US\$7,500.00);
4. After the actual examination, the foreign currency was returned to the package and turned over to the Warehouseman on duty at the Fedex Warehouse Facility for custody and safekeeping;
5. In a Memorandum dated October 27, 2020 for the District Collector, his Port, COO III Guiang reported the incident and recommended that the subject shipment be seized for violation of Section 1113 (i) and (L) 3 and 4 of the Customs Modernization and Tariff Act (CMTA);
6. After careful evaluation of the records of the incident and applicable customs laws, rules and regulations, the NAIA District Collector issued a Warrant of Seizure and Detention against the subject foreign currency for violation of Section 1400 (Misdeclaration) in relation to Section 1113 (i) and (L-3 and 4) of the Customs Modernization and Tariff Act (CMTA) and Republic Act 7653 otherwise known as the New Central Bank Act and the BSP Foreign Exchange Transaction Manual;

7. On November 9, 2020, the Law Division, this Port, sent a letter to Mr. Enrico dela Cruz at his given address, requiring him to subject a Verified Position Paper to discuss the following:

1. Issues of the case;
2. Proposed stipulations and admissions;
3. Arguments;
4. Exhibits; and
5. Possible Offer of Settlement.

However, despite due notice, Claimant dela Cruz failed to submit his Verified Position Paper up to this time, hence, he is deemed to have waived his rights and interests over the subject foreign currency in favor of the government. The subject seizure case is deemed submitted for resolution on the basis of the documents at hand and the laws, rules and regulations thereto applicable.

NOW, THEREFORE, in view of all the foregoing, it is hereby ordered and decreed that subject foreign currency in the total amount of Seven Thousand Five Hundred US Dollars (US\$7,500.00) be, as it is hereby declared forfeited in favor of the government for violation of Section 1400 (Misdeclaration) in relation to Section 1113 (i) and (L-3 and 4) of the Customs Modernization and Tariff Act (CMTA) and Republic Act 7653 otherwise known as the New Central Bank Act and the BSP Foreign Exchange Transaction Manual, to be turned over to the Collection Division, this Port, and accounted for as part of the collection performance of the District.

Let copies of this Decision be furnished to the parties and offices concerned for their information, and a copy thereof to be posted on the Bulletin Board of the Law Division for information of all concerned.

S O O R D E R E D.

NAIA Customhouse, Pasay City, 17 November 2020.


CARMELITA M. TALUSAN
District Collector 