



# BUREAU OF CUSTOMS

*Professionalism Integrity Accountability*



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
NO. 157-2020 (NAIA)

-versus-

Shipment which was found to contain 109 pieces of US\$ 100.00 totalling \$10,900.00 covered by FEDEX MAWB No. 023-66285612/HAWB No. 398328759904, consigned to **ENRICO DEL CRUZ**  
X-----X

## DECISION

This resolves the seizure and forfeiture proceedings instituted against the amount of \$10,900.00 pursuant to a Warrant of Seizure and Detention dated 11 November 2020 for violation of Section 1400 (misdeclaration) in relation to Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA) in relation to BSP Circular No. 308, Series of 2001.

Records revealed that the above-described shipment was assigned to COO III Victoria A. Mallari, Informal Entry Unit, PAL/PSI/FedEx Assessment Composite Division, for examination upon filing of Informal Entry No. 306509 by consignee, thru its broker.

The shipment came from the United States under FEDEX MAWB No. FEDEX MAWB No. 023-66285612/HAWB No. 398328759904.

The shipment was declared as "Documents – a Paper That Provides Information Incl" weighing 0.36 kgs., with an invoice value of US\$ 1.00.

When the package was opened, it contained a magazine and concealed therein were \$10,900.00 in 109 pieces of US\$ 100.00.

The articles were returned to the package, sealed and then turned over to the Warehouseman-on-duty for custody inside the Collector's Corral.

COO III Mallari submitted a Memorandum dated 06 November 2020 to the District Collector, NAIA Customhouse, thru Mr. Dan E. Oquias, Chief, PAL/PSI/FedEx Assessment Composite Division, and COO V Ma. Verna S. Villar, Acting Chief, Informal Entry Unit, bearing the subject: "Incident Report for Shipment covered by FEDEX AWB No. 398328759904 consigned to Enrico del Cruz", and recommended the issuance of a Warrant of Seizure and Detention (WSD) for violation of Section 1400 (misdeclaration) in relation to Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA) in relation to BSP Circular No. 308, Series of 2001.

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 shipment for violation

of Section 1400 (misdeclaration) in relation to Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA) in relation to BSP Circular No. 308, Series of 2001.

A letter dated 11 November 2020 was sent to Mr. Enrico del Cruz, thru LBC Express, Inc. together with a copy of the WSD, on 16 November 2020 requiring him to submit his Verified Position Paper within five (5) days from receipt of said letter, in lieu of conducting a hearing thereon, 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 del 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 Ten Thousand Nine Hundred Dollars (US\$10,900.00) be, as it is hereby declared forfeited in favor of the government for violation of Section 1400 (misdeclaration) in relation to Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA) in relation to BSP Circular No. 308, Series of 2001, 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, 25 November 2020.

  
**CARMELITA M. TALUSAN**  
District Collector 