



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 158-2020 (NAIA)

-versus-

US\$13,900.00 found in the package sent through Federal Express, covered by AWB No. 398367528804 and consigned to JACOB CARULLO, with address at 369 Upper Prinza Poblacion, Muntinlupa City 1776 Philippines.

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:

The subject shipment arrived on November 02, 2020 via Federal Express from the USA, under MAWB No. 023-6628 5612/HAWB No. 398367528804 and inbounded at the Fedex Warehouse Facility at the PSI Warehouse, this Port;

Subject shipment underwent x-ray screening prior to its inbounding at the Fedex Warehouse Facility, and it was marked with "X" after it registered suspicious images in its contents, thus the need for a 100% physical examination thereof;

Consignee, thru the Licensed Customs Broker of Federal Express, filed Informal Entry No. 306508, declaring the shipment as "Documents";

Informal Entry No. 306508 was assigned to Ma. Victoria A. Mallari, COO III. On November 06, 2020, she conducted a 100% physical examination of the shipment in the presence of the representatives of the ESS, CIIS, XIP and Federal Express, which yielded a magazine and in between its pages were concealed US\$100 dollar bills, in the aggregate amount of Thirteen Thousand Nine Hundred US Dollars (US\$13,900.00); thereafter, the money was returned to the package and then turned over to the Warehouseman on duty for safekeeping inside the Collector's Corral;

In a Memorandum dated 06 November 2020 for the District Collector, this Port, COO III Mallari reported the incident and recommended that the subject shipment be seized for violation of Section 1113 (I) of the Customs Modernization and Tariff Act (CMTA), and BSP Circular No. 308, series of 2001;

On November 11, 2020, the Law Division, this Port, sent a letter to Mr. Jacob Carullo at his given address, requiring him to submit 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 Carullo 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 US Dollars Thirteen Thousand Nine Hundred (US\$13,900.00) be, as it is hereby declared forfeited in favor of the government for violation of Section 1400 (Misdeclaration) in relation to Section 1113 (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, 25 November 2020.


CARMELITA M. TALUSAN
District Collector