



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

Republic of the Philippines,

Seizure Identification  
No. CFZ 049-2021

-versus-

Shipment said to contain **“CELLPHONES – BRAND NEW CELL PHONE CLOTHING, FABRIC – SCARF”** which arrived at Federal Express (FedEx) Clark Hub on 03 November 2021 under House Airway Bill No. 285503394904 from Montana, USA but found to contain **cell phone, scarf, and 65 pcs. \$100 Bill concealed inside a foil pouch**

Consignee:

**WOFFO MAE ORO**

FedEx Authorized Ship Ctr/2GO-SM Baliwag-  
Cust Dart Hwy Brgy, Pagala, Baliuag

Claimant.

X-----X

## DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-captioned shipment for violation of Section 1113 par. f, i, and l (3 & 4) of R.A. No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA).

As culled from the records, the material facts of the instant case are as follows:

On 03 November 2021, a shipment from Montana, USA said to contain **“CELLPHONES – BRAND NEW CELL PHONE CLOTHING, FABRIC – SCARF”** consigned to a certain WOFFO MAE ORO arrived at the Federal Express (FedEx) Clark Hub under House Airway Bill No. 285503394904.

On even date, Customs Examiner Michael John Ramos conducted physical examination on the subject shipment which led to the findings of **cell phone, scarf, and an undeclared foil pouch**.

Upon opening of the undeclared foil pouch, foreign currencies in US Dollars were found as follows:

Denomination (US Dollar)	Pieces	Amount (US Dollar)
100	65	6,500

On 10 November 2021, the Office of the District Collector received a Memorandum dated 04 November 2021 from Mr. Ramos, Customs Examiner, thru Atty. Danilo Ballena Jr. and Karl Cortes, Acting Deputy Collector for Assessment and Acting Chief, Assessment, respectively, recommending the issuance of a Warrant of Seizure and Detention (WSD) against the subject shipment for violation of Section 1400

“Misdeclaration, Misclassification and Undervaluation in Goods Declaration” of Republic Act (R.A.) No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in connection to Section 11113 (l) “Property Subject to Seizure and Forfeiture”;

On 15 November 2021, a Warrant of Seizure and Detention (WSD) docketed as S.I No. CFZ 049-2021 was issued by the District Collector, this Port, against the subject shipment for possible violation of Section 1113 par. f, i, and l (3 & 4) of R.A. No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to Section 4.2 of the Manual of Regulations on Foreign Exchange Transactions (FX Manual) of *Bangko Sentral ng Pilipinas* (BSP);

Thereafter, hearings were scheduled on 25 and 26 November 2021 however, on 17 November 2021, the Office of the District Collector, this Port, received a Memorandum dated 17 November 2021 from SA I Fitzgerald T. Borja, noted by SP/Capt. Arnel A. Baylosis, returning the WSD and Notice of Hearing for the subject shipment because the consignee’s address cannot be located. Likewise, on 17 November 2021, said WSD and Notice of Hearing was posted at the BOC Official Website.

Thus, we resolve.

**ISSUE:**

Whether or not the subject shipment may be forfeited in favor of the government.

**DISCUSSION:**

In quasi-judicial proceedings, procedural rules governing service of notices/summons are not strictly construed. Substantial compliance thereof is sufficient. The constitutional requirement of due process with respect to service of summons only exacts that the service of summons be such as may reasonably be expected to give the notice desired.

In the case of **Scenarios, Inc. and/or Rhotziv Bago V. Jelly Vinluan (2008)**, the court considered as substantial compliance the service of summons by registered mail at respondent’s place of business explaining therein that technical rules of procedure are not strictly applied in quasi-judicial proceedings; only substantial compliance is required.

Similarly, in the present case at hand, records show that the Enforcement Service, this Bureau, tried to locate and served the Warrant of Seizure and Detention and Notice of Hearing however, the same were unsuccessful considering that the consignee’s address cannot be located. Be it noted that said address of the consignee was taken from the importation documents as submitted.

Thus, this office opines that the above-mentioned attempts to deliver the WSD and Notice of Hearing are sufficient enough to comply with the procedural due process as required by law.

Anent the issue on the forfeiture of goods, Sections 1113 f, i, and l (3 & 4) of the CMTA is explicit:

**Section 1113. Property Subject to Seizure and Forfeiture.** -  
Property that shall be subject to seizure and forfeiture include:

(f) Goods, the importation or exportation of which are effected or attempted contrary to law, or any goods of prohibited

importation or exportation, and all other goods which, in the opinion of the District Collector, have been used, are or were entered to be used as instruments in the importation or the exportation of the former.

(i) Any package of imported goods which is found upon examination to contain goods not specified in the invoice or goods declaration including all other packages purportedly containing imported goods similar to those declared in the invoice or goods declaration to be the contents of the misdeclared package shall be liable to seizure and forfeiture.

(l) Goods sought to be imported or exported:

(3) through a false declaration or affidavit executed by the owner, importer, exporter, or consignee concerning the importation of such goods;

(4) On the strength of a false invoice or other document executed by the owner, importer, exporter, or consignee concerning the importation or exportation of such goods; or

(5) through any other practice or device contrary to law by means of which such goods entered through a customs office to the prejudice of the government.

xxx

Applying the abovementioned provisions of law in the case at hand, this office ruled that a misdeclaration was indeed committed in the declaration of subject shipment. Be it noted that subject shipment was declared in the airway bill and commercial invoice as "CELLPHONES – BRAND NEW CELL PHONE CLOTHING, FABRIC – SCARF" contrary to the findings of the Customs Examiner that subject shipment likewise contained **65 pcs. \$100 Bill concealed inside a foil pouch.**

All told, this Office finds it proper to forfeit the subject shipment.

**WHEREFORE**, by virtue of the authority vested in me by law, it is hereby ordered and decreed that **shipment said to contain "CELLPHONES – BRAND NEW CELL PHONE CLOTHING, FABRIC – SCARF" which arrived at the Federal Express (FedEx) Clark Hub under House Airway Bill No. 285503394904 from Montana, USA but found to contain cell phone, scarf, and 65 pcs. \$100 Bill concealed inside a foil pouch**, subject of this seizure and forfeiture proceeding, be **FORFEITED** in favor of the Government to be disposed of in the manner provided for by law.

Let copies of the Order be furnished all parties and offices for their information.

**SO ORDERED.**

Port of Clark International Airport, Clark Freeport Zone, Pampanga, 02 December 2021.

  
**ALEXANDRA Y. LUMONTAD**  
District Collector



Copy furnish:

Woffo Mae Oro  
FedEx Authorized Ship Ctr/2GO-SM Baliwag-  
Cust Dart Hwy Brgy, Pagala, Baliuag

Karl S. Cortes  
Special Duty Collector, FedEx

Julius Ceasar D. Asuncion  
Acting Warehouseman, FedEx

ESS-Port of Clark

CIIS-Port of Clark