



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 094-2022 (NAIA)

- versus -

Outbound package covered by DHL
AWB No. 7620573951, consigned to a
certain PALTA PRIYANKA with delivery
address at 164A Hendon Avenue Monut
Albert, Aucland, New Zealand, and
contact number +64642277440078, and
sent by one **WILLIAM JUSTIN**, with
address at c/o LBC Express in Carl
General Aviation Center, Domestic
Airport Compound, Pasay City

X-----X

NOTICE OF DECISION

TO: MR. WILLIAM JUSTIN
(By Posting at BOC Website)
c/o LBC Express in Carl General
Aviation Center, Domestic Airport
Compound, Pasay City

CALIL G. DIMANGADAP
Chief, Export Division
NAIA Customhouse

ATTY. LILIBETH S. SANDAG
Deputy Collector for Operations
NAIA Customhouse

ATTY. DANILO M. CAMPOS JR.
Chief, Auction & Cargo Disposal
Division, NAIA Customhouse

The Government Prosecutor
Prosecution and Litigation Division
Legal Service, Bureau of Customs

GREETINGS:

NOTICE is hereby given that the District Collector, this Port, issued a Decision on December 14, 2022, ordering the forfeiture of the subject shipment in favor of the government. A copy of the said Decision is hereto attached for information.

Issued this 16th day of December 2022 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division

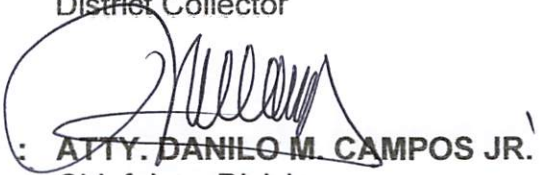

ATTY. MANUEL O. ZURBITO JR.
Hearing Officer


Encl.: As stated
Law/imma/moz



MEMORANDUM

FOR : **CARMELITA M. TALUSAN, CESO V**
District Collector

THRU :  **ATTY. DANILO M. CAMPOS JR.**
Chief, Law Division

FROM :  **ATTY. MANUEL O. ZURBITO JR.**
Handling Lawyer

SUBJECT : **PUBLICATION IN THE BOC WEBSITE OF A COPY OF DECISION WITH SEIZURE IDENTIFICATION NO. 094-2022 (NAIA)**

DATE : **16 DECEMBER 2022**

REFERENCE:

1. Decision with Seizure Identification No. 094-2022 (NAIA);

BACKGROUND:

2. On December 14, 2022, this Port issued a Decision with Seizure Identification No. 094-2022 (NAIA), seizing an outbound package covered by DHL AWB No. 7620573951, consigned to a certain PALTA PRIYANKA with delivery address at 164A Hendon Avenue Monut Albert, Aucland, New Zealand, and contact number +64642277440078, and sent by one WILLIAM JUSTIN, with address at c/o LBC Express in Carl General Aviation Center, Domestic Airport, declared to contain Kix Shield for taekwondo but found to contain crystalline substance, for violation of Section 5 of Republic Act No. 9165 also known as the Comprehensive Dangerous Drugs Act of 2002, Section 119 (d) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Section 3.5 of Customs Memorandum Order (CMO) No. 4-2018(A);

DISCUSSION:

3. As the aforementioned sender/claimant of the goods has insufficient address, a copy of Decision with Seizure Identification No. 094-2022 (NAIA) must have to be served by posting of the same in the bulletin board of this Port and by electronic posting in the BOC website for fifteen (15) days, as provided under Section 6.5.2. of CAO No. 10-2020, to wit:

6.5.2. To owner of the goods or his authorized representative.

For the purpose of serving the WSD, the importer, consignee, named in the bill of lading or airway bill, or processor shall be deemed the owner of the goods.

If the owner is unknown, with insufficient address, or a foreign entity or individual, service shall be effected by posting of the WSD by the ESS in the bulletin board of the concerned district office, and **by electronic posting through the BOC website**, or printed publication, for **fifteen (15) days**.

RECOMMENDATION:

4. In view of the foregoing, it is hereby respectfully recommended that this Port submit a Memorandum to the Public Information and Assistance Division, this Bureau, requesting for the posting of a copy of the Decision with Seizure and Detention No. 094-2022 (NAIA) for fifteen (15) days. Attached herewith is a draft Memorandum, for your signature, if in accord.

DECISION MATRIX

APPROVED

DISAPPROVED

CARMELITA M. TALUSAN, CESO V
District Collector



Remarks:



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

MEMORANDUM

FOR : **KARREN APRIL A. NOROÑO-GABION**
Officer-in-Charge
Public Information and Assistance Division (PIAD)

FROM : **CARMELITA M. TALUSAN, CESO V**
District Collector

SUBJECT : **PUBLICATION IN THE BOC WEBSITE OF A COPY OF DECISION WITH SEIZURE IDENTIFICATION NO. 094-2022 (NAIA)**

DATE : **16 DECEMBER 2022**

REFERENCE:

1. Decision with Seizure Identification No. 094-2022 (NAIA);

BACKGROUND:

2. On December 14, 2022, this Port issued a Decision with Seizure Identification No. 094-2022 (NAIA), seizing an outbound package covered by DHL AWB No. 7620573951, consigned to a certain PALTA PRIYANKA with delivery address at 164A Hendon Avenue Monut Albert, Aucland, New Zealand, and contact number +64642277440078, and sent by one WILLIAM JUSTIN, with address at c/o LBC Express in Carl General Aviation Center, Domestic Airport, declared to contain Kix Shield for taekwondo but found to contain crystalline substance, for violation of Section 5 of Republic Act No. 9165 also known as the Comprehensive Dangerous Drugs Act of 2002, Section 119 (d) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Section 3.5 of Customs Memorandum Order (CMO) No. 4-2018(A);

DISCUSSION:

3. As the aforementioned sender/claimant of the goods has insufficient address, a copy of Decision with Seizure Identification No. 094-2022 (NAIA) must have to be served by posting of the same in the bulletin board of this Port and by electronic posting in the BOC website for fifteen (15) days, as provided under Section 6.5.2. of CAO No. 10-2020, to wit:

6.5.2. To owner of the goods or his authorized representative.

For the purpose of serving the WSD, the importer, consignee, named in the bill of lading or airway bill, or processor shall be deemed the owner of the goods.

If the owner is unknown, with insufficient address, or a foreign entity or individual, service shall be effected by posting of the WSD by the ESS in the bulletin board of the concerned district office, and **by electronic posting through the BOC website**, or printed publication, for **fifteen (15) days**.

REQUEST:

4. In view of the foregoing, it is hereby respectfully requested that a copy of the Decision with Seizure Identification No. 094-2022 (NAIA) be electronically posted with the BOC website for fifteen (15) days. A copy of said warrant is herein attached. Furthermore, scan copy thereof was also sent to Piad@customs.gov.ph and Jessil.garlando@customs.gov.ph.

Respectfully submitted.

DECISION MATRIX

APPROVED

DISAPPROVED

KARREN APRIL A. NOROÑO-GABION
Officer-in-Charge
Public Information and Assistance Division

Remarks:



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 094-2022 (NAIA)

-versus-

Outbound package covered by DHL
AWB No. 7620573951, consigned to
a certain PALTA PRIYANKA with
delivery address at 164A Hendon
Avenue Monut Albert, Auckland,
New Zealand, and contact number
+64642277440078, and sent by one
WILLIAM JUSTIN, with address at
c/o LBC Express in Carl General
Aviation Center, Domestic Airport
Compound, Pasay City, with contact
number +63281188401528.

x-----x

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-captioned shipment for violation of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and Section 119 (d) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA).

Culled from the records, the antecedent facts of the instant case are as follows:

1. On November 11, 2022, Mr. Calil G. Dimangadap, Chief, Export Division, this Port, instructed Lemuelle L. Alipio, Senior Trade Control Examiner, to proceed to the DHL Express and conduct an actual physical examination of the above-described package;
2. The intercepted outbound package was sent by by one William Justin, with address at c/o LBC Express in Carl General Aviation Center, Domestic Airport Compound, Pasay City, with contact number +63281188401528, and consigned a certain PALTA PRIYANKA with delivery address at 164A Hendon Avenue Monut Albert, Auckland, New Zealand;
3. Subject shipment was declared to contain "Kix Shield for taekwondo". However, when opened for actual examination, Senior Trade Control Examiner Alipio found one (1) piece of Kix Shield for taekwondo and inside of which was found crystalline substance wrapped in black duct tape, aluminum foil and plastic wrapper concealed inside the foam of the kick shield;
4. The PDEA conducted K9 drug examination where the K9 responded positive on the contents of the package. The crystalline substance which weighed 629.10 grams was then tested by the PDEA personnel using the Spectrometer and it resulted positive for the presence of Methamphetamine;
5. After the examination and inventory of the subject package, PDEA Officer Jopel Obnial took samples of the crystalline substance for laboratory analysis. Thereafter, the package was resealed and turned over to the warehouseman on duty at the DHL Warehouse, CBW No. 185, for safekeeping;

6. In a Memorandum dated November 11, 2022, Senior Trade Control Examiner Alipio reported his findings to Mr. Calil G. Dimangadap, Chief, Export Division, and recommended the issuance of Warrant of Seizure and Detention against the subject outbound shipment for violation of Article II, Section 5 of Republic Act 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and Section 119 (d) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA);
7. Concomitantly, in his Disposition Form of even date for the District Collector, this Port, Mr. Calil G. Dimangadap, Chief, Export Division, concurred with the recommendation for the issuance of Warrant of Seizure and Detention against the subject outbound shipment for violation of Article II, Section 5 of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act Of 2002, and Section 119 (d) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA);
8. Per PDEA Chemistry Report No. NCR-22-0265, the findings were: "Qualitative examination of Specimen A gave **POSITIVE** results for the presence of Methamphetamine Hydrochloride", a dangerous drug under Republic Act No. 9165.

On the basis of the records on file, it is indubitable that the subject shipment contained Methamphetamine Hydrochloride, a dangerous drug under Republic Act 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002. On this score, Paragraph 3.5 of Section 3 of Customs Memorandum Order No. 4-2018(A) in relation to Section 119, Paragraph (d) of the Customs Modernization and Tariff Act (CMTA), are instructive and authoritative, to wit:

*"3.5 If the subject shipment involves prohibited or restricted goods, the same shall ipso facto be forfeited in favor of the government."
(Emphasis and underscoring supplied)*

"Section 119. Restricted Importation and Exportation. – Except when authorized by law or regulation, the importation and exportation of the following restricted goods are prohibited:

(d) Marijuana, opium, poppies, coca leaves, heroin
or other narcotics x x x "

In conjunction, the exportation of the subject package is in violation of Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), which provides that:

"SEC. 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 and 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;" (Emphasis and bold ours)

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 outbound shipment covered by DHL AWB No. 7620573951 which contained Methamphetamine weighing 629.10 grams which was concealed inside a Kix shield for taekwondo, be, as it is hereby declared **Ipsa Facto forfeited** in favor of the government for violation of Section 5 of Republic Act No. 9165 also known as the Comprehensive Dangerous Drugs Act of 2002, Section 119 (d) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Section 3.5 of Customs Memorandum Order (CMO) No. 4-2018(A), for turnover to the Philippine Drug Enforcement Agency (PDEA) for final disposition thereof pursuant to Customs Administrative Order (CAO) No. 10-2020 bearing the subject "Seizure and Forfeiture Proceedings and Appeals Process".

Let copies of the Decision be furnished to all offices and parties concerned for their information and guidance. A copy thereof shall be posted on the Bulletin Board of the Law Division at the DHL Express Gateway Hub and at the DHL Warehouse, CBW No. 185, this Port, for information of all concerned.

SO ORDERED.

NAIA Customhouse, Pasay City, Metro Manila, DEC 14 2022 December 2022.

CARMELITA M. TALUSAN, CESO V
District Collector