



Republic of the Philippines,

Seizure Identification
No. CFZ 120-2022

-versus-

Shipment said to contain “PORTABLE
CONCERTINA DISPLAY STAND” destined to
Sunnybank, Australia which will be shipped thru
Federal Express (FedEx) Clark on 03 November
2022 under House Airway Bill No.
770388069049 but found to contain **fifty-two**
(52) reams Marlboro Blue Cigarettes

Exporter/Shipper:
JACK RICHARD

34 P Manahan St., Pasay City 1300

Claimant.

X-----X



WARRANT OF SEIZURE AND DETENTION

To: SP/Capt. Arnel A. Baylosis
District Commander
ESS-CPD, Port of Clark

Greetings!

WHEREAS, on 03 November 2022, an export shipment destined to Sunnybank, Australia said to contain “PORTABLE **CONCERTINA DISPLAY STAND**” exported by JACK RICHARD consigned to Rae Kelsen arrived at the Federal Express (FedEx) gateway facility under House Airway Bill No. 770388069049. The same was marked for verification/physical examination by the X-ray Inspector on duty;

WHEREAS, on 22 November 2022, Trade Control Examiner Julius Ceasar Asuncion conducted physical examination on the subject shipment in the presence of representative from FedEx which led to the following findings:

AS DECLARED IN THE INVOICE	AS FOUND
One (1) pc. Portable Concertina Display Stand	Fifty-two (52) reams Marlboro Blue Cigarettes
Value: USD 399.11 Weight: 10.0 kgs.	Weight: 14 kgs.

WHEREAS, further verification of the importation documents submitted revealed that said cigarettes lacked the necessary Export Commodity Clearance (ECC) from the National Tobacco Administration (NTA);

WHEREAS, on 01 December 2022, said shipment was inspected by Ms. Madel Jovellanos from Phillip Morris Fortune Tobacco Company (PMFTC) which confirmed its authenticity;


WHEREAS, on 09 December 2022, the Office of the District Collector received a Memorandum dated 05 December 2022 from Ms. Maricar N. Go and Mr. Asuncion, Officer-In-Charge (OIC) Export Unit and Acting Trade Control Examiner FedEx, respectively, recommending the issuance of a Warrant of Seizure and Detention (WSD) against the subject export shipment for violation of Sections 117 and 1113 paragraphs (i) and (l) (3) and (4) of Republic Act (R.A.) No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to NTA Memorandum Circular No. 002, Series of 2020;

WHEREAS, upon evaluation thereof, this office finds probable cause for the issuance of WSD against the subject shipment for violation of Sections 117 and 1113 paragraphs (f) and (l) (3) and (4) of R.A. No. 10863 otherwise known as the CMTA in relation to NTA Memorandum Circular No. 002, Series of 2020;

WHEREFORE, by virtue of the power vested in me by law, and in compliance with pertinent Customs law, rules and regulations, you are hereby ordered to forthwith seize the aforementioned articles and take custody over the same pending termination of the seizure and forfeiture proceedings and/or until further order from this Office. In this connection, please be guided by Customs Memorandum Order No. 8-84, particularly on the matter of making a return of service and submission of inventory of list of the subject articles.

SO ORDERED.

09 December 2022, Port of Clark, Clark Freeport Zone, Pampanga.



JOHN M. SIMON
Officer-In-Charge, Port of Clark

Copy furnish:

Maricar N. Go
Officer-In-Charge, Export Unit

Julius Ceasar D. Asuncion
Trade Control Examiner, FedEx

Commissioner of Customs
Commission on Audit
BATAS, Legal Service
Intelligence Group
Account Management Office
Risk Management Office
C/IS-Port of Clark



BOC-22-04196



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Claimant.

X-----X



NOTICE OF HEARING

TO: JACK RICHARD
34 P Manahan St., Pasay City 1300

Greetings!

Please be notified that there will be a hearing on the above entitled case on **12 January 2023, Thursday at 2:00 PM and 13 January 2023, Friday, 11:00 AM**, at the Bureau of Customs - Port of Clark, M.A. Roxas Highway, Clark Freeport Zone, Pampanga.

Failure to appear on the said scheduled hearing shall be construed as a waiver on your part to be heard or to adduce evidence and the case shall be deemed submitted for resolution.

Port of Clark, Clark Freeport Zone, Pampanga.
12 December 2022

ATTY. ERWIN T. MENDOZA
Deputy Collector for Administration