



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



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PROFESSIONALISM INTEGRITY ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 024-2023 (NAIA)

-versus-

Five Thousand Five Hundred Thirty Six grams (5,536 gms) of Methamphetamine Hydrochloride with an estimated value of Thirty Seven Million Six Hundred Forty Four Thousand and Eight Hundred Pesos (Php 37,644,800.00) which was intercepted from incoming passenger **HARISOA SANDRA RANDRIAMPARANY EP RAKOTONIAINA**, on March 12, 2023 at NAIA Terminal 1.

X-----X

D E C I S I O N

This resolves the seizure and forfeiture proceedings instituted against the above-captioned shipment for violation of Section 1113 (f) and (L-2,3 and 4) and Sections 1403 and 1404 in relation to Section 119 (d) of the Customs Modernization and Tariff Act (CMTA), and Section 4 of Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The records of the instant case show the following antecedent facts, viz:

1. Ms. **HARISOA SANDRA RANDRIAMPARANY EP RAKOTONIAINA**, (**HARISOA** for brevity), a Malagasy national and holder of Passport No. A19X50280, arrived at the Ninoy Aquino International Airport Terminal 1 on March 12, 2023 on board Ethiopian Airlines Flight ET 644 from Republic of Madagascar.
2. Her luggage was marked "X", which was seen by Customs Examiner Katrina Lea Rañeses, who was on duty at the Customs Examination Lane at the Arrival Area, NAIA Terminal 1 at that time. She immediately called the attention of PDEA Agent Ma. Liza Cammayo and other NAIA-IADITG operatives who were conducting K9 inspection and passenger profiling at the said Terminal.
3. Passenger **HARISOA** proceeded to the Customs Examination Counter manned by Customs Examiner Raneses who then asked her if she had filled out a Customs Baggage Declaration Form (CBDF). Passenger **HARISOA** replied in the negative. Examiner Raneses then asked her to submit her passport and gave her a blank CBDF and requested her to fill it out. The Examiner then asked her if she has anything to declare. Passenger **HARISOA** replied in the negative. Passenger **HARISOA** also submitted her CBDF and stated therein that she had nothing to declare. Customs Examiner Raneses then asked passenger **HARISOA** if the luggage which was marked "X" belongs to her and she admitted that it is hers.
4. In the presence of passenger **HARISOA**, PDEA Agent Ma. Liza Cammayo instructed PDEA Agents Ryan Collantes and Frando dela Cruz to conduct K9 sweeping and inspection of the subject luggage using their PDEA Narcotic Detection Dog, to which it yielded positive indication for the presence of dangerous drugs inside.

5. Witnessed by the Customs Flight Supervisor, ESS, CIIS, XIP operatives, the PDEA, NAIA-IADITG operatives and the passenger herself, Customs Examiner Raneses conducted a 100% physical examination of the subject luggage.
6. When she removed the assorted clothes inside the luggage, she noticed that the bottom part is uneven and suspected that there is a hidden compartment therein. She called the attention of XIP Operator on duty who then conducted another x-ray screening of the said luggage and it showed suspicious image inside.
7. Customs Examiner Raneses slightly opened the hidden compartment and the same revealed a carbon paper containing an improvised pouch made of packaging tape filled with white crystalline substance. PDEA Agent Cammayo immediately conducted a field test of the white crystalline substance which tested positive for the presence of Methamphetamine.
8. Agent Cammayo introduced herself to the passenger Harisoa that she is a PDEA operative and that the procedure is being recorded and informed the passenger that she is being arrested for violation of Republic Act No. 9165. Harisoa was further apprised of her constitutional rights in a language/dialect known to her and understood by her to which she acknowledged.
9. Thereafter, passenger HARISOA and her luggage were brought to the Exclusion Room at the Arrival Area for a more thorough examination of her luggage. In the presence of Barangay Kagawad Nelson Garcia of Barangay 197, Zone 20, Pasay City, and Media Representative Alex Mendoza of Hataw/D'yaryo ng Bayan, the Customs Examiner scrutinized the bottom part (hidden compartment) of the luggage to which it revealed to contain a carbon paper labeled "flamingo". The Customs Examiner then opened the carbon paper and revealed an improvised pouch made of packaging tape and discovered white crystalline substance.
10. At the exclusion room, in compliance with Section 21 of RA No. 9165, as amended by RA 10640, and further reiterated in OCA Circular No. 251-2018, the pieces of evidence subject of seizure were photographed, marked and inventoried in the presence of the passenger, Barangay Kagawad Nelson Garcia of Barangay 197, Zone 20, Pasay City, and Media Representative Alex Mendoza of Hataw/D'yaryo ng Bayan. Efforts were made to secure any NPS/DOJ representative in Pasay City Hall of Justice but no one was available.
11. Thereafter, passenger HARISOA, the pieces of evidence and the subject luggage were brought to the NAIA/IADITG Office at NAIA Terminal 3 for investigation/documentation and physical examination at the PNP QCPD Forensic, Quezon City and drug test at the PDEA Laboratory Service, PDEA NHQ, Quezon City.
12. Thereafter, Examiner Raneses personally turned over the seized drug in the presence of the passenger as evidence to the PDEA Laboratory Service for laboratory examination.
13. The findings of PDEA Chemistry Report No. PDEA-NCR-23-0041 dated 13 March 2023 revealed that "Qualitative examination of specimen A-1 gave positive results for the presence of Methamphetamine Hydrochloride".
14. In a Memorandum for the District Collector dated March 14, 2023, thru Ms. Nerissa P. Durante, Acting Flight Supervisor; Mr. Roberto A. Quintana, Chief, Arrival Operations Division; and Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, this Port, Customs Examiner Katrina Lea Rañeses reported the incident and recommended for the issuance of a Warrant of Seizure and Detention against the white crystalline substance with a total weight of 5,536 grams for violation of Section 4 of Article II of RA 9165 (Comprehensive Dangerous Drugs Act of 2002) in relation to Sections 119, 1113, 1401 and 1404 of the Customs Modernization and Tariff Act (CMTA).

On the basis of the records on file, it is indubitable that the white crystalline substance which was found in the luggage of incoming passenger Harisoa Sandra Randriamparany Ep Rakotoniaina, with a total weight of 5,536 grams and reportedly with a street value of Thirty Seven Million Six Hundred Forty Four Thousand Eight Hundred Pesos (P37,644,800.00), which resulted positive for the presence of Methamphetamine Hydrochloride, or "Shabu", a dangerous drug under Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is restricted under paragraph (d) of Section 119 (Restricted Importation and Exportation) of the Customs Modernization and Tariff Act (CMTA).

On this score, Paragraph 3.5 of Section 3 of Customs Memorandum Order No. 4-2018 (A) bearing the subject "Amendment of CMO 4-2018 re: Manual of Procedure for Forfeiture Cases", 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 "

Moreover, Section 1113 of the Customs Modernization and Tariff Act (CMTA) provides:

"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).

(L) Goods sought to be imported or exported.

x x x x x x

(2) Found in the baggage of a person arriving from abroad and undeclared by such person;

(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

Furthermore, Section 1403 and 1404 of the CMTA states:

SECTION 1403. Other Fraudulent Practices Against Customs Revenue. — Any person who makes or attempts to make any entry of imported or exported goods by means of any false or fraudulent statement, document or practice or knowingly and willfully files any false or fraudulent claim for payment of drawback or refund of duties shall, for each act, be punished in accordance with the penalties prescribed in Section 1401 of this Act.

SECTION 1404. *Failure to Declare Baggage.* — Whenever dutiable goods are not declared by any person arriving within the Philippines, such goods shall be seized and the person may obtain release of such goods, if not imported contrary to any law, upon payment of a surcharge equivalent to thirty percent (30%) of the landed cost of such goods, in addition to all duties, taxes and other charges due. Nothing in this section shall preclude the filing of criminal action against the offender.

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 5,536 grams of white crystalline substance or Methamphetamine Hydrochloride otherwise known as "Shabu", a dangerous drug as defined in Republic Act No. 9165, **be, as it is hereby declared ipso facto forfeited in favor of the government** for violation of Section 1113 (f) and (L-2,3 and 4) and Sections 1403 and 1404 in relation to Section 119 (d) of the Customs Modernization and Tariff Act (CMTA), and Section 4 of Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and Section 3.5 of Customs Memorandum Order (CMO) No. 4-2018 (A), to be turned over 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 this Decision be furnished to all offices and parties concerned for their information, and a copy thereof to be posted on the Bulletin Board of the Law Division and the Arrival Operations Division/Passenger Service, this Port, for information of all concerned.

SO ORDERED.

NAIA Customhouse, Pasay City, Metro Manila, ^{APR 19 2023} April 2023.


CARMELITA M. TALUSAN, CESO V
District Collector 