



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

Republic of the Philippines,

Seizure Identification

No. CFZ **095-2023**

-versus-

Shipment said to contain **"DENIM SHIRT, TERNO PAJAMA, KNITTED SWEATER, TWILL JACKET, MULTICOLOR BLANKET"** bound to Kaohsiung City, Taiwan, China which will be shipped thru Federal Express (FedEx) Clark on 11 August 2022 under House Airway Bill No. 776731154215 but found to contain **10 pair Sandal (Havaianas), 14 pcs. Assorted Terno Pajamas, 4 pcs. Pants Adidas, 1 pack Dickies Underwear for Male, 1 pack Mossimo Underwear for Male, 8 pcs. Ladies Pants, 2 pcs. Lacoste T-Shirt, 2 pcs. Mango T-Shirt, 1 pc. Nike T-shirt and 2 pcs. Puma T-shirt**



Exporter/Shipper:

JOHN ZHANG

1270 Sto. Nino St., Mariones, Tondo, Manila
1000 PH

Claimant.

X-----X

NOTICE OF HEARING

TO : JOHN ZHANG
1270 Sto. Nino St., Mariones, Tondo,
Manila 1000 PH
(Tel No.: 09465197860, Email
address: Int.fedex14@gmail.com)

Greetings!

Please be notified that there will be a hearing on the above entitled case on **May 05 and 12, 2023, 10:30 AM**, at the Bureau of Customs - Port of Clark, M.A. Roxas Highway, Clark Freeport Zone, Pampanga.

Please be further informed of the pertinent provisions of Customs Memorandum Order (CMO) No. 4-2018 (A) which provides:

xxx

6.3 During the Preliminary Conference the following shall be discussed:

- 6.3.1** Defining and simplifying the issues of the case;
- 6.3.2** Entering into admission or stipulation of facts;
- 6.3.3** Marking of exhibits;
- 6.3.4** The possibility of disposition of the goods pending forfeiture proceedings in case of perishable articles;
- 6.3.5** The possibility of settlement; and



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6.3.6 Dates for submission of respective Position Papers of the parties.

6.4 The Hearing Officer shall require the Claimant to submit its verified Position Paper within five (5) days from the termination of the preliminary conference, copy furnished the Government Prosecutor. Failure on the part of the Claimant to submit its verified Position Paper within the prescribed period shall be deemed waiver on its part to submit the same. No Motion for Extension shall be allowed.

XXX

Failure to appear on the said scheduled hearing and/or submit a position paper 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.
20 April 2023


ATTY. JONATHAN D. MENGULLO
Hearing Officer
Chief, Law Division
Port of Clark



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1000 PH

Claimant.

X-----X



WARRANT OF SEIZURE AND DETENTION

To: SP/CAPT. ARNEL A. BAYLOSIS
District Commander
ESS-CPD, Port of Clark

Greetings!

WHEREAS, on 11 August 2022, a shipment bound to Kaohsiung City, Taiwan, China (Consignee: Anabel Sumala) under House Airway Bill No. 776731154215 said to contain **"DENIM SHIRT, TERNO PAJAMA, KNITTED SWEATER, TWILL JACKET, MULTICOLOR BLANKET"** under the name of JOHN ZHANG with address at 1270 Sto. Nino St., Mariones, Tondo, Manila 1000 PH (Contact No.: 09465197860, Email address: Int.fedex14@gmail.com) arrived at the Federal Express (FedEx) gateway facility and marked for verification/physical examination by the X-ray Inspector on duty;

WHEREAS, on 13 January 2023, a Mission Order was issued directing Trade Control Examiners to conduct inventory of various shipment for export suspected to contain counterfeit products and to obtain one (1) sample from each package for Intellectual Property Rights (IPR) verification;

WHEREAS, on 03 February 2023, the Office of the District Collector received an After-Mission Report dated 30 January 2023 stating that Trade Control Examiners conducted a three-day inventory (17, 19 and 23 January 2023) on seventy-six (76) shipments suspected to contain counterfeit products and obtained one (1) sample from each

package, including the subject shipment, in the presence of representatives from Enforcement and Security Service (ESS), Customs Intelligence and Investigation Service (CIIS) and FedEx. The findings on the subject shipment were as follows:

AS DECLARED IN THE INVOICE	AS FOUND
• 15 PCS. DENIM SHIRT • 10 PCS. TERNO PAJAMA • 5 PCS. KNITTED SWEATER • 7 PCS. TWILL JACKET • 10 PCS. MULTICOLOR BLANKET	• 10 pair Sandal (Havaianas) • 14 pcs. Assorted Terno Pajamas • 4 pcs. Pants Adidas • 1 pack Dickies Underwear for Male • 1 pack Mossimo Underwear for Male • 8 pcs. Ladies Pants • 2 pcs. Lacoste T-Shirt • 2 pcs. Mango T-Shirt • 1 pc. Nike T-shirt • 2 pcs. Puma T-shirt
Value: USD 97.00 Gross Weight: 29.5 kgs.	

WHEREAS, in a letter dated 30 January 2023, Intelligence Officer II (IO2) Norma Del Rosario-Nucup, Field Station Chief, CIIS Port of Clark requested Atty. Edmund Jason Baranda, authorized representative/duly authorized Attorney-in-Fact of Prada S.A., Yves Saint Laurent, Luxury Goods International (L.G.I.) S.A., Balenciaga and Guccio Gucci S.P.A. (the “Company”), to personally examine samples of various items bearing the mark Prada, Yves Saint Laurent, Bottega Veneta, Balenciaga and Gucci and a certification on their authenticity;

WHEREAS, on 21 March 2023, the Office of the CIIS-Port of Clark received letters dated 16 and 20 March 2023 from Atty. Baranda attaching notarized Certifications confirming the examined samples to be **counterfeit** and said exporter’s name is not included as authorized channel of the Company;

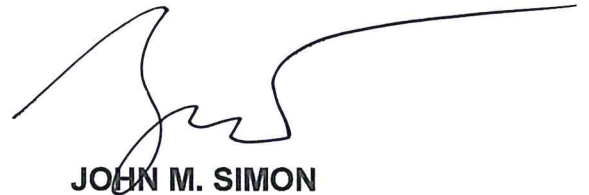
WHEREAS, on 14 April 2023, the Office of the District Collector received a Memorandum dated 13 April 2023 from IO2 Rosario-Nucup, Field Station Chief, CIIS Port of Clark, recommending the issuance of a Warrant of Seizure and Detention (WSD) against the subject shipment based on the notarized Certifications from Atty. Baranda;

WHEREAS, on 18 April 2023, the Office of the District Collector received a Memorandum dated 31 March 2023 from Ms. Maricar N. Go and Ms. Pojas, Officer-In-Charge (OIC) Export Unit and Trade Control Examiner FedEx-Export, respectively, thru Ms. Lilibeth Mangsal, Deputy Collector for Operations, recommending the issuance of a WSD against the subject shipment based on the discrepancy between the goods found during the physical examination and goods declared in the commercial invoice for violation of Section 1113 paragraph (l) (3) and (4) of R.A. No. 10863 otherwise known as the CMTA; WHEREAS, upon evaluation thereof, this Office finds probable cause for the issuance of WSD against the subject shipment for violation of Section 118 (f) and 1113 paragraphs (f) and (l) (3) and (4) of Republic Act (R.A.) No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation R.A. No. 8293 otherwise known as the Intellectual Property Code of the Philippines;

WHEREFORE, by virtue of the power vested in me by law, and in compliance with pertinent Customs laws, 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.

17 April 2023, Port of Clark, Clark Freeport Zone, Pampanga.



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

Copy furnished:

NORMA T. DEL ROSARIO-NUCUP
CIIS-Port of Clark

MARICAR N. GO
Officer-In-Charge, Export Unit

MARIA ANNALOU C. POJAS
Trade Control Examiner, FedEx

Commissioner Of Customs
Commission On Audit
BATAS, Legal Service
Intelligence Group
Account Management Office
Risk Management Office