



Republic of the Philippines,

Seizure Identification
No. CFZ **136-2023**

-versus-

Shipment said to contain **“EMBROIDERED BATH TOWEL (100% COTTON)”** bound to Matraville, Australia which will be shipped thru Federal Express (FedEx) Clark on 04 January 2023 under House Airway Bill No. 770925902538 but found to contain **forty-eight (48) pcs. Ferna Flavory/Colors and twenty-six (26) pcs. Nanjing Cigarettes**

Exporter/Shipper:
PETER NASH
Oacklick Sdy, Inc.
468 S. Marcelo, Valenzuela 1440 PH

Claimant.

X-----X



NOTICE OF HEARING

TO : **PETER NASH**
Oacklick Sdy, Inc.
468 S. Marcelo, Valenzuela 1440 PH
(Tel No.: 09486498732, Email address:
raymarkpintucan@gmail.com)

Greetings!

Please be notified that there will be a hearing on the above entitled case on **May 18 and 19, 2023, 3:00 PM**, 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
- 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



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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.
02 May 2023

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



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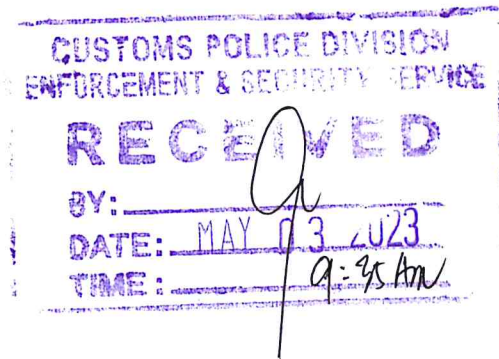
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Shipment said to contain **“EMBROIDERED BATH TOWEL (100% COTTON)”** bound to Matraville, Australia which will be shipped thru Federal Express (FedEx) Clark on 04 January 2023 under House Airway Bill No. 770925902538 but found to contain **forty-eight (48) pcs. Ferna Flavery/Colors and twenty-six (26) pcs. Nanjing Cigarettes**

Exporter/Shipper:
PETER NASH
Oacklick Sdy, Inc.
468 S. Marcelo, Valenzuela 1440 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 04 January 2023, a shipment bound to Matraville, Australia (Consignee: Gareth Clugston) under House Airway Bill No. 770925902538 said to contain **“EMBROIDERED BATH TOWEL (100% COTTON)”** under the name of PETER NASH with address at Oacklick Sdy, Inc. 468 S. Marcelo, Valenzuela 1440 PH (Contact No.: 09486498732, Email address: raymarkpintucan@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 22 March 2023, a Mission Order was issued directing Trade Control Examiners to conduct inventory of various shipments for export containing cigarettes;

WHEREAS, on 24 March 2023, Trade Control Examiner Maria Annalou Pojas conducted physical examination on the subject shipment in the presence of representatives from Phillip Morris Fortune Tobacco Company, Inc. (PMFTC), Customs Intelligence and Investigation Service (CIIS), Enforcement and Security Service (ESS) and FedEx with the following findings:

AS DECLARED IN THE INVOICE	AS FOUND
1 PC. EMBROIDERED BATH TOWEL (100% COTTON)	<ul style="list-style-type: none"> Forty-eight (48) pcs. Ferna Flavery/Colors Twenty-six (26) pcs. Nanjing Cigarettes
Value: USD 131.00 Gross Weight: 0.8 kg.	


WHEREAS, on 24 April 2023, the Office of the District Collector received a Memorandum of even date from Ms. Maricar N. Go and Ms. Pojas, Officer-In-Charge (OIC) Export Unit and Trade Control Examiner FedEx-Export, respectively, thru Atty. Lilibeth Sandag, 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 Republic Act (R.A.) No. 10863 otherwise known as the Customs Modernization and Tariff Act (CMTA) in relation to National Tobacco Administration (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 Section 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 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.

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



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

Copy furnished:

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