



MEMORANDUM

TO : **KARREN APRIL A. NOROÑO-GABION**
Officer-in-Charge, Public Information and Assistance Division

THRU : **ATTY. MARIA YASMIN M. OBILLOS-MAPA**
Acting District Collector, Port of NAIA

FROM : **ATTY. WALLY ANN D. YUMUL**
Acting Chief, Law Division, Port of NAIA

SUBJECT : **PUBLICATION IN THE BOC WEBSITE OF THE ISSUED WARRANTS OF SEIZURE AND DETENTION (WSD)**

DATE : **15 JUNE 2023**

This refers to the herein attached Warrants of Seizure and Detention (WSDs):

1. **SEIZURE IDENTIFICATION NO. 031-2023 (NAIA):** Shipment of Ninety-One (91) pieces of Assorted Cosmetics covered by Held Baggage Receipt No. 00100002069, brought in by passenger **CAO DINH DAT**;
2. **SEIZURE IDENTIFICATION NO. 032-2023 (NAIA):** Shipment of Twenty (20) units of Mobile Phones covered by Held Baggage Receipt No. 00100000933, brought in by passenger **SUKMA DIRGANTARA**;
3. **SEIZURE IDENTIFICATION NO. 034-2023 (NAIA):** Shipment of Forty-four (44) boxes of Assorted Cosmetics and Skin Care Products covered by Held Baggage Receipt No. 00100002519, brought in by passenger **MR. NGO VAN AN**;
4. **SEIZURE IDENTIFICATION NO. 035-2023 (NAIA):** Shipment of Six (6) units of Mobile Phones covered by Held Baggage Receipt No. 00100000371, brought in by passenger **KWON HEANSOO**; and
5. **SEIZURE IDENTIFICATION NO. 036-2023 (NAIA):** Shipment of Twenty (20) units of Mobile Phones covered by Held Baggage Receipt No. 00100000944, brought in by passenger **MUHAMAD SOFYAN PRIATNA**;

As the aforementioned passengers/claimants have indicated insufficient addresses in the Philippines, the WSDs must be served by posting 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 the 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 possessor 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 collection district office, **and by electronic posting through the BOC website**, or printed publication, for **fifteen (15) days**.

In view of the foregoing, this Office respectfully requests that the copies of the Warrant of Seizure and Detention be electronically posted in the BOC website for fifteen (15) days. Furthermore, the scanned copies thereof were also forwarded to piad@customs.gov.ph and jessil.garlando@customs.gov.ph.



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

13 June 2023

MR. MOHAMAD SOFYAN PRIATNA

Insufficient address

By posting

Subject : Seizure Identification No. 036-2023 (NAIA)

Republic of the Philippines vs Twenty (20) units Mobile Phones with gross weight of 5.0 kilograms and estimated value of Php171,420.00, covered by Held Baggage Receipt No. 00100000944, which was held at the In Bond Room, Baggage Assistance Division, and brought in by passenger **MOHAMAD SOFYAN PRIATNA**

Dear **Mr. Priatna**:

This refers to the shipment which is covered by Seizure Identification No. 036-2023 (NAIA) issued on June 9, 2023 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

Manuel O. Zurbito Jr.
ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case

A Modernized and Credible Customs Administration That Is Among the World's Best

Old MIA Road, Pasay City 1300

Tel. no. (02) 8832-3035 | www.customs.gov.ph | naia@customs.gov.ph



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 036-2023 (NAIA)

-versus-

Twenty (20) units Mobile Phones with gross weight of 5.0 kilograms and estimated value of Php171,420.00, covered by Held Baggage Receipt No. 00100000944, which was held at the In Bond Room, Baggage Assistance Division, and brought in by passenger **MOHAMAD SOFYAN PRIATNA**.

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: The District Commander
ESS-CPD, NAIA District Office

WHEREAS, on 11 September 2022 at about 0651H at the NAIA Passenger Terminal 2, a male Indonesian national named Muhamad Sofyan Priatna, with Passport No. E0721009, arrived on board Philippine Airlines Flight PR 538 from Indonesia.

WHEREAS, passenger Priatna's luggage was marked "X" by XIP Inspector Sannylin Fernandez, and was referred to Customs Examiner Mary Jane L. Peniza for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Pineza asked passenger Mr. Priatna if he accomplished a Customs Baggage Declaration Form (CBDF) and the passenger handed his Passport and an accomplished CBDF. Customs Examiner Fineza saw that passenger Priatna ticked "No" to all the items on page 3 of the CBDF, except for Item No. 9 wherein he ticked "Yes" to the phrase "Mobile phones, hand held radios, and similar gadgets for personal use and other communication equipment x x x please submit the import permit/clearance from the National Telecommunications Commission." Thereafter, Customs Examiner Fineza asked passenger Mr. Priatna if he has anything to declare and also informed him of the consequences if ever he did not declare, to which the passenger replied in the affirmative.

WHEREAS, Customs Examiner Fineza found twenty (20) units of mobile phones inside the luggage of passenger Priatna, with an estimated value of US\$3,000.00 or Php171,420.00. The examined goods were then held from release, and Held Baggage Receipt No. 00100000944 was issued to passenger Priatna and thereafter were turned over to the In-Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 12 September 2022, Ms. Mary Jane L. Peniza, Customs Examiner, thru Ms. Regina D. Santos, Acting Flight Supervisor, Mr. Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, GSEE, Deputy Collector for Passenger Service, reported her findings and recommended that the mobile phones be held in custody until passenger Priatna submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC), and subject to payment of customs

duties and taxes, if any. However, up to this time, passenger Mr. Priatna or his duly authorized representative failed to submit the NTC Import Permit/Clearance.

WHEREAS, in his Memorandum dated 13 April 2023, Mr. Rolly H. Carandang, Officer-in-Charge, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, recommended to the Law Division for the issuance of Warrant of Seizure and Detention (WSD) against the twenty (20) units of Mobile Phones which were held in bond at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100000944 for lack of NTC Import Permit/Clearance.

WHEREAS, in a Supplemental Memorandum dated 20 May 2023, Mr. Rolly H. Carandang, Officer-in-Charge, Baggage Assistance Division, thru Atty. Mas. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, reported that the total gross weight of the subject articles is five (5) kilograms with an estimated value of Php171,420.00 at the time of the apprehension.

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the twenty (20) units Mobile phones brought in by passenger Priatna for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and applicable NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the twenty (20) units Mobile Phones for violation of Section 17 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and related NTC laws, rules and regulations and to turn over the same to the Auction and Cargo Disposal Division (ACDD), this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, custody and safekeeping pursuant to CAO No. 10-2020 pending resolution of the instant seizure and forfeiture case, or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

S O O R D E R E D.

BOC-NAIA, Pasay City, ^{JUN 09 2023} June 2023.

ATTY. MARIA YASMIN M. ~~OBULOS~~ 
Acting District Collector

Law/wady/eylIV



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

13 June 2023

MR. KWON HEANSOO

Insufficient address

By posting

Subject : Seizure Identification No. 035-2023 (NAIA)

Republic of the Philippines vs Six (6) pieces used Mobile Phones brought in by incoming passenger **KWON HEANSOO**, who arrived on 13 September 2022 on board Asiana Airlines Flight OZ701 from Incheon, Korea, and held in custody at the Inbond Section, Baggage Assistance Division, under Held Baggage Receipt (HBR) No. 00100000371

Dear **Mr. Kwon Heansoo**:

This refers to the shipment which is covered by Seizure Identification No. 035-2023 (NAIA) issued on June 9, 2023 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

Manuel O. Zurbito Jr.
for **ATTY. MANUEL O. ZURBITO JR.**
Officer-on-Case



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 035-2023 (NAIA)

-versus-

Six (6) pieces used Mobile Phones brought in by incoming passenger **KWON HEANSOO**, who arrived on 13 September 2022 on board Asiana Airlines Flight OZ701 from Incheon, Korea, and held in custody at the Inbond Section, Baggage Assistance Division, under Held Baggage Receipt (HBR) No. 00100000371.

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: The District Commander
ESS-CPD, NAIA District Office

WHEREAS, the six (6) Units of used Mobile Phones were brought in by passenger Mr. Kwon Heansoo, a Korean national and holder of Passport No. M76704344, at the Ninoy Aquino International Airport Terminal 1 on 13 September 2022.

WHEREAS, Mr. Heansoo's luggage was marked "X" by XIP Operator Gerald Lara and was referred to Customs Examiner Sybil Charmaine M. Bacyan for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Bacyan asked passenger Mr. Heansoo if he has anything to declare and if he accomplished a Customs Baggage Declaration Form (CBDF). Passenger Heansoo answered in the affirmative and handed over his Passport and accomplished CBDF to Customs Examiner Bacyan.

WHEREAS, upon opening the passenger's luggage, Customs Examiner Bacyan found six pieces used mobile phones, and thus, inquired on why he brought the used mobile phones. According to Mr. Heansoo, these used mobile phones are for donation; however, when asked if he has documents to show that these are for donation, he could not present any. While Customs Examiner Bacyan was explaining to Mr. Heansoo the need to present the NTC Import Permit/Clearance, the latter decided to leave the used mobile phones and left the customs examination area.

WHEREAS, Customs Examiner Bacyan issued Held Baggage Receipt No. 00100000371 to Mr. Heansoo and the six (6) units used mobile phones were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum dated September 13, 2022 for the District Collector, this Port, Ms. Sybil Charmaine M. Bacyan, Customs Examiner, and Ms. Jessica Mendoza, Flight Supervisor, thru Mr. Roberto A. Quintana then, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, CSEE, then Deputy Collector for Passenger Service, reported their findings and recommended that the used mobile phones be held in custody until passenger Mr. Heansoo submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC) and payment of customs duties and taxes, if any. However, up to this time, passenger

Heansoo or his duly authorized representative failed to appear and submit the required NTC Import Permit/Clearance.

WHEREAS, in his Memorandum dated 13 April 2023, Mr. Rolly H. Carandang then, Officer-in-Charge, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, then Deputy Collector for Passenger Service, recommended to the Law Division for the issuance of Warrant of Seizure and Detention (WSD) against the six units used Mobile Phones which were held in bond at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100000371 for lack of NTC Import Permit/Clearance from the National Telecommunication Commission.

WHEREAS, in a Supplemental Memorandum dated May 20, 2023, Mr. Rolly H. Carandang then, Officer-in-Charge, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, then Deputy Collector for Passenger Service, reported that the total gross weight of the subject articles is 1.5 kilograms and without value at the time of the apprehension.

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the six (6) units used Mobile phones brought in by Mr. Heansoo for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and applicable NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject six (6) used Mobile Phones for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and related NTC laws, rules and regulations, and turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and for custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

SO ORDERED.

JUN 09 2023
BOC-NAIA, Pasay City, _____ June 2023.


ATTY. MARIA YASMIN M. OBILOS MAPA,
Acting District Collector

Law/wady/moz



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

13 June 2023

MR. NGO VAN AN

Parañaque City

Subject : Seizure Identification No. 034-2023 (NAIA)

Republic of the Philippines vs Forty-four (44) boxes of Assorted Cosmetics and Skin Care Products covered by Held Baggage Receipt No. 00100002519, with an estimated value One Thousand Six Hundred Thirty Four Dollars (\$1,634.00) and gross weight of 13.14 kilograms which was held in bond at the In-Bond Room, Baggage Assistance Division, brought in by passenger **MR. NGO VAN AN**

Dear **Mr. Ngo Van An**:

This refers to the shipment which is covered by Seizure Identification No. 034-2023 (NAIA) issued on June 9, 2023 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

fa *HAD Mrand*
ATTY. EMILIO Y. LEGASPI IV
Officer-on-Case



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 034-2023 (NAIA)

-versus-

Forty-four (44) boxes of Assorted Cosmetics and Skin Care Products covered by Held Baggage Receipt No. 00100002519, with an estimated value of One Thousand Six Hundred Thirty Four Dollars (\$1,634.00) and gross weight of 13.14 kilograms which was held in bond at the In-Bond Room, Baggage Assistance Division, brought in by passenger **MR. NGO VAN AN.**

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: The District Commander
ESS-CPD, NAIA District Office

WHEREAS, the subject assorted cosmetics and skin care products were brought in by incoming passenger Ngo Van An, a Vietnamese national and holder of Passport No. C8373423, who arrived on 05 November 2022 at the Ninoy Aquino International Airport Terminal 3 on board Cebu Pacific Air Flight 5J745 from Vietnam.

WHEREAS, Ngo Van An, together with his luggage, passed through the Arrival Customs Examination Lane manned by Customs Examiner Cristine Joy D. Asi for physical examination of his luggage.

WHEREAS, before conducting the physical examination, Customs Examiner Asi asked the passenger to submit his duly filled-out Customs Baggage Declaration Form (CBDF). The passenger was further asked if he has anything to declare to which he replied in the affirmative. Thereafter, passenger Ngo Van An handed over his passport and the accomplished CBDF where he declared that he was bringing in cosmetics and foodstuff.

WHEREAS, Customs Examiner Asi conducted an actual physical examination of passenger Ngo Van An's luggage which yielded one (1) kilogram of jew plum; one-half kilogram of sausage, nine (9) pieces and forty four (44) boxes of assorted cosmetics and skin care products with a total estimated value of USD\$1,634.00. However, when asked if he has secured a Certificate of Product Registration (CPR) and License to Operate (LTO) from the Food and Drug Administration (FDA), passenger Ngo Van An replied in the negative.

WHEREAS, Held Baggage Receipt (HBR) No. 00100002519 was issued to passenger Ngo Van An and thereafter the nine (9) pieces and forty four (44) boxes of assorted cosmetics and skin care products were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, the one kilogram of jew plum and one-half kilo of sausage were referred to Duty Plant Quarantine Officer Marissa C. Carpizo and Veterinary Quarantine Officer Marco Edgardo A. Padilla, who, thereafter confiscated the subject items and issued a Joint Inspectors' Report No. T3 and Notice of Violation dated November 5,

2022 to the said passenger for failure to present the necessary Plant Quarantine Clearance, Phytosanitary Certificate, Sanitary and Phytosanitary (SPS) Import Clearance and Veterinary Certificate from the Department of Agriculture pursuant to Presidential Decree No. 1433 and Department of Agriculture Administrative Order No. 09, series of 2010.

WHEREAS, in a Memorandum dated November 5, 2022 for the District Collector, this Port, Customs Examiner Christine Joy D. Asi, thru Belinda C. Copioso, Flight Supervisor, Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, reported her findings and recommended that passenger Ngo Van An to secure the necessary permit for the release of the assorted cosmetics and skin care products as the said items are regulated by the Food and Drug Administration (FDA).

WHEREAS, pursuant to the Joint Inspectors' Report No. T3 and Notice of Violation dated 05 November 2022 issued by Duty Plant Quarantine Officer Marissa C. Carpizo and Veterinary Quarantine Officer Marco Edgardo A. Padilla, the confiscation of the one kilogram jew plum and one-half kilo sausage by the Veterinary Quarantine Service at the NAIA Terminal 1 be duly noted.

WHEREAS, Section 10 of RA 9711 or the Food and Drug Administration (FDA) Act of 2009, as amended, are hereby further amended to read as follows:

"Section 10, Section 11, subsections (a), (b), (d), (g), (j), (k) and (l) of Republic Act No. 3720, as amended, are hereby further amended to read as follows:

"SEC. 11. The following acts and the causing thereof are hereby prohibited:

- (k) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, or retail **of any drug, device**, or in-vitro diagnostic reagent, the manufacture, importation, exportation, transfer or distribution of any food, cosmetic or household/urban hazardous substances or the operation of a radiation or pest control establishment by any natural or juridical person **without the license to operate from the FDA required under this Act.**" (Emphasis ours)

WHEREAS, moreover, Article 1 (Licensing of Establishments and Registration of Health Products), Book II of the Rules and Regulations Implementing Republic Act No. 9711 – The Food and Drug Administration) FDA Act of 2009 states:

"Section 1. General Provisions.

1. The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship of any health product **without the proper authorization from the FDA is prohibited.**
2. The manufacture, **importation**, exportation, sale, offering for sale, importation, exportation, transfer or retail of any drug or device, the manufacture, **importation**, exportation, transfer or

distribution of any food, **cosmetics**, household hazardous substances or urban pesticides, or the operation of a radiation facility or pest control establishment **without the appropriate authorization from the FDA is prohibited.** (Emphasis ours)

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector found probable cause for the issuance of Warrant of Seizure and Detention against the subject package for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711 or the Food and Drug Administration Act of 2009 .

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the nine (9) pieces and forty four (44) boxes of assorted cosmetics and skin care products for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009, and to turn over the same to the Auction and Cargo Disposal Division (ACDD), this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, custody and safekeeping pursuant to CAO No. 10-2020 pending resolution of the instant seizure and forfeiture case, or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

SO ORDERED.

JUN 09 2023
NAIA Customhouse, Pasay City, _____ June 2023.


ATTY. MARIA YASMIN M. CEJILLOS-MAPA
Acting District Collector

Law/dmc/eylIV



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

13 June 2023

MR. SUKMA DIRGANTARA

City Garden Hotel
Makati City

Subject : Seizure Identification No. 032-2023 (NAIA)

Republic of the Philippines vs Twenty (20) units Mobile Phones with gross weight of 4.5 kilograms and estimated value of Php171,420.00, covered by Held Baggage Receipt No. 00100000933, which was held at the In Bond Room, Baggage Assistance Division, and brought in by passenger **SUKMA DIRGANTARA**

Dear **Mr. Dirgantara**:

This refers to the shipment which is covered by Seizure Identification No. 032-2023 (NAIA) issued on June 9, 2023 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

fe *Manuel O. Zurbito Jr.*
ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 032-2023 (NAIA)

-versus-

Twenty (20) units Mobile Phones with gross weight of 4.5 kilograms and estimated value of Php171,420.00, covered by Held Baggage Receipt No. 0010000933, which was held at the In Bond Room, Baggage Assistance Division, and brought in by passenger **SUKMA DIRGANTARA.**

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: The District Commander
ESS-CPD, NAIA District Office

WHEREAS, on 11 September 2022 at about 0651H at the NAIA Passenger Terminal 2, a male Indonesian national, Sukma Dirgantara, with Passport No. E0721006, arrived on board Philippine Airlines Flight PR 538 from Indonesia.

WHEREAS, passenger Dirgantara's luggage was marked "X" by XIP Inspector Sannylin Fernandez, and was referred to Customs Examiner Katrina Lea Raneses for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Raneses asked passenger Dirgantara if he accomplished a Customs Baggage Declaration Form (CBDF) and the latter handed over his Passport and an accomplished CBDF. Customs Examiner Raneses saw that passenger Dirgantara ticked "No" to all the items on page 3 of the CBDF, except for Item No. 9 wherein he ticked "Yes" to the item, "Mobile phones, handheld radios, and similar gadgets for personal use and other communication equipment x x x please submit the import permit/clearance from the National Telecommunications Commission." Thereafter, Customs Examiner Raneses asked Mr. Dirgantara if he has anything to declare and also informed him of the consequences of non-declaration, to which the passenger replied in the affirmative.

WHEREAS, Customs Examiner Raneses found twenty (20) units of mobile phones inside the luggage of passenger Mr. Dirgantara, with an estimated value of US\$3,000.00 or Php171,420.00. The examined goods were then held from release and Held Baggage Receipt No. 0010000933 was issued to Dirgantara and thereafter were turned over to the In-Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated September 12, 2022, Ms. Katrina Lea Raneses, Customs Examiner and Ms. Regina D. Santos, Acting Flight Supervisor, thru Mr. Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, reported their findings and recommended that the mobile phones be held in custody until passenger Mr. Dirgantara submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC), and subject to payment of customs duties and taxes, if any. However, up to this time, passenger Mr.

Dirgantara or his duly authorized representative failed to submit the required NTC Import Permit/Clearance.

WHEREAS, in his Memorandum dated 13 April 2023, Mr. Rolly H. Carandang, Officer-in-Charge, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, recommended to the Law Division for the issuance of Warrant of Seizure and Detention (WSD) against the twenty (20) units of Mobile Phones which were held in bond at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100000933 for lack of NTC Import Permit/Clearance.

WHEREAS, in a Supplemental Memorandum dated May 20, 2023, Mr. Rolly H. Carandang, Officer-in-Charge, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, reported that the total gross weight of the subject articles is 4.5 kilograms with an estimated value of Php171,420.00 at the time of the apprehension.

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the twenty (20) units Mobile phones brought in by passenger Dirgantara for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and applicable NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject twenty (20) units Mobile Phones with an estimated value of Php171,420.00 for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and related NTC laws, rules and regulations, and to turn over to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

SO ORDERED.

JUN 09 2023

BOC-NAIA, Pasay City, _____ June 2023.


ATTY. MARIA YASMIN M. OBILLOS-MAPA
Acting District Collector

Law/wady/eyllv



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROTECT NAIA

INTEGRITY

ACCOUNTABILITY

13 June 2023

MR. CAO DINH DAT

Air Residence, Malugay,
Makati City, Metro Manila

Subject : Seizure Identification No. 031-2023 (NAIA)

Republic of the Philippines vs Sixteen (16) pieces Serum Triet Long Perfect Clean and eighty one (81) pieces Inod Armpit Serum, which were brought in by CAO DINH DAT on December 6, 2022 who arrived and held in custody at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt (HBR) No. 00100002069.

Dear **Mr. Cao Dinh Dat**:

This refers to the shipment which is covered by Seizure Identification No. 031-2023 (NAIA) issued on June 9, 2023 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

fa
H. O. Miranda
ATTY. EMILIO Y. LEGASPI IV
Officer-on-Case



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
 NO. 031-2023 (NAIA)

-versus-

Sixteen (16) pieces Serum Triet Long Perfect Clean and eighty one (81) pieces Inod Armpit Serum, which were brought in by **CAO DINH DAT** on December 6, 2022 who arrived and held in custody at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt (HBR) No. 00100002069.

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: The District Commander
 ESS-CPD, NAIA District Office

WHEREAS, the above-described cosmetics were brought in by incoming passenger Cao Dinh Dat, a Vietnamese national and holder of Passport No. K0592448, who arrived at the Ninoy Aquino International Airport Terminal 2 on 06 December 2022 on board Philippine Airlines Flight PR596 from Vietnam.

WHEREAS, the check-in baggage of passenger Dat was marked "X" by XIP Operator on duty Sanny Lyn D. Fernandez, and he was referred to Ms. Krystell Ann B. Guico, Acting Customs Examiner, for physical examination.

WHEREAS, before conducting the physical examination, it was noted by Acting Customs Examiner Guico that the said passenger ticked "No" on all items pertaining to page 3 of the Customs Baggage Declaration Form (CBDF), except for Item No. 4 of the said form.

WHEREAS, Acting Customs Examiner Guico conducted an actual physical examination of the luggage of Cao Dinh Dat which yielded sixteen (16) pieces of Serum Triet Long Perfect Clean and eighty one (81) pieces of Inod Armpit Serum. However, the passenger failed to present an Import Permit from the Food and Drug Administration (FDA).

WHEREAS, when asked if he has an Import Clearance from the Food and Drug Administration (FDA) for the said importation of sixteen (16) pieces of Serum Test Long Perfect Clean and eighty-one (81) pieces of Inod Armpit Serum, passenger Dat could not present any. Passenger Dat was also asked to submit an Invoice for the said cosmetic products but he could not present any.

WHEREAS, Held Baggage Receipt (HBR) No. 00100002069 was then issued to passenger Dat evidencing the withholding of the release of his assorted cosmetics pending the submission of the necessary Import Permit/Clearance from the FDA. Thereafter, the assorted cosmetics were turned over to the In Bond Section, Baggage Assistance Division, for safekeeping.

WHEREAS, in a Memorandum dated 09 January 2023, Acting Customs Examiner Guico reported her findings to the District Collector, this Port, thru Ms. Marlyn O. Edillor, Acting Flight Supervisor, Roberto A. Quintana, Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, and recommended the payment of duties and taxes upon presentation of FDA Permit and Invoice.

WHEREAS, in his Memorandum dated 13 April 2023, Mr. Rolly H. Carandang, Officer-in-Charge, Baggage Assistance Division, thru Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, Deputy Collector for Passenger Service, recommended to the Law Division the issuance of Warrant of Seizure and Detention against the ninety one (91) pieces of assorted cosmetics brought in by Cao Dinh Dat, among others, which were held in bond at the In-Bond Section, Baggage Assistance Division and held in custody under Held Baggage Receipt No. 00100002069 for lack of FDA Import Permit/Clearance, in violation of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009.

WHEREAS, in a Supplemental Memorandum dated May 16, 2023, Ms. Krystell Ann B. Guico, Acting Customs Examiner, reported the total weight of the confiscated items is 6.0 kilograms and an estimated value of US\$435.00 or equivalent to Pesos Twenty Four Thousand Four Hundred Four and Fifty Nine Centavos (Php24,404.59) based on the prevailing rate of \$1.00 to Php55.602 as of 06 December 2022.

WHEREAS, Section 10 of RA 9711 or the Food and Drug Administration (FDA) Act of 2009, as amended, is hereby further amended to read as follows:

"Section 10, Section 11, subsections (a), (b), (d), (g), (j), (k) and (l) of Republic Act No. 3720, as amended, are hereby further amended to read as follows:

"SEC. 11. The following acts and the causing thereof are hereby prohibited:

- (k) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, or retail of any drug, **device**, or in-vitro diagnostic reagent, the manufacture, importation, exportation, transfer or distribution of any food, cosmetic or household/urban hazardous substances or the operation of a radiation or pest control establishment by any natural or juridical person **without the license to operate from the FDA required under this Act.**"
(Emphasis ours)

WHEREAS, Article 1 (Licensing of Establishments and Registration of Health Products), Book II of the Rules and Regulations Implementing Republic Act No. 9711 – The Food and Drug Administration (FDA) Act of 2009 states:

"Section 1. General Provisions.

1. The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship of any health product **without the proper authorization from the FDA is prohibited.**
2. The manufacture, **importation**, exportation, sale, offering for sale, importation, exportation, transfer or retail of any drug or

device, the manufacture, **importation**, exportation, transfer or distribution of any food, **cosmetics**, household hazardous substances or urban pesticides, or the operation of a radiation facility or pest control establishment **without the appropriate authorization from the FDA is prohibited.** (Emphasis ours)

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector found probable cause for the issuance of Warrant of Seizure and Detention against the sixteen (16) pieces of Serum Test Long Perfect Clean and eighty one (81) pieces of Inod Armpit Serum for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711 or the Food and Drug Administration Act of 2009.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the sixteen (16) pieces of Serum Test Long Perfect Clean and eighty one (81) pieces of Inod Armpit Serum for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009, and to turn over the same to the Auction and Cargo Disposal Division (ACDD), this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, custody and safekeeping pursuant to CAO No. 10-2020 pending resolution of the instant seizure and forfeiture case, or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

SO ORDERED.

JUN 09 2023

BOC-Port NAIA, Pasay City, _____ June 2023.

ATTY. MARIA YASMIN M. OBILLAS MAPA
Acting District Collector

Law/wady/eyllv