



Republic of the Philippines,

Seizure Identification  
No. CFZ **156-2023**

-versus-

Shipment said to contain “**FLORAL DRESS, COAT DRESS, ADULT SLEEPWEAR, HOODIE JACKETS, URBAN SHORTS**” bound to Laval, Quebec, Canada which will be shipped thru Federal Express (FedEx) Clark on 12 April 2023 under House Airway Bill No. 771773034759 but found to contain various bags (4 pcs. Long Champ, 3 pcs. Tory Burch, 2 pcs. Hermes, 2 pcs. LV, 1 pc Gucci beltbag), eyewear (2 pcs. LV, 3 pcs. Hermes, 2 pcs. Prada, 1 pc. Chanel, 2 pcs. Dior) and wallets (3 pcs. MK, 1 pc. Tory Burch, 2 pcs. CK, 2 pcs. Prada, 7 pcs. Gucci, 5 pcs. Coach)

Exporter/Shipper:  
**RHINUEL SARMIENTO**  
Malabon City 1470 PH

Claimant.

X-----X



**NOTICE OF HEARING**

**TO :** **RHINUEL SARMIENTO**  
Malabon City 1470 PH  
(Tel No.: 09465197860, Email address:  
Int.fedex@gmail.com)

Greetings!

Please be notified that there will be a hearing on the above entitled case on **May 24 and 25, 2023, 2:30 PM**, via **Zoom Teleconferencing** which can be accessed, as follows:

**Meeting ID: 831 9690 5046**  
**Passcode: 389048**

Kindly coordinate in the below indicated contact number/s and/or email address for the Zoom link to be transmitted via e-mail for easy access.

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;



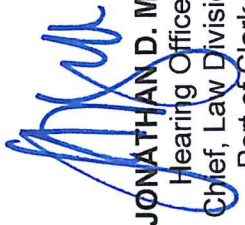
- 6.3.4 The possibility of disposition of the goods pending forfeiture proceedings in case of perishable articles;
- 6.3.5 The possibility of settlement; and
- 6.3.6 Dates for submission of respective Position Papers of the parties.

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 period shall be deemed waiver on its part to submit the same. No Motion for Extension shall be allowed.

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**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.  
09 May 2023

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



Republic of the Philippines,

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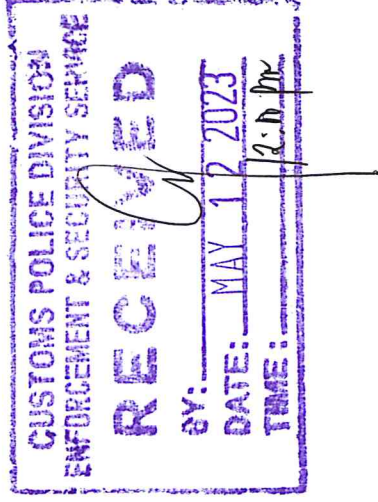
Shipment said to contain **“FLORAL DRESS, COAT DRESS, ADULT SLEEPWEAR, HOODIE JACKETS, URBAN SHORTS”** bound to Laval, Quebec, Canada which will be shipped thru Federal Express (FedEx) Clark on 12 April 2023 under House Airway Bill No. 771773034759 but found to contain **various bags (4 pcs. Long Champ, 3 pcs. Tory Burch, 2 pcs. Hermes, 2 pcs. LV, 1 pc Gucci beltbag), eyewear (2 pcs. LV, 3 pcs. Hermes, 2 pcs. Prada, 1 pc. Chanel, 2 pcs. Dior) and wallets (3 pcs. MK, 1 pc. Tory Burch, 2 pcs. CK, 2 pcs. Prada, 7 pcs. Gucci, 5 pcs. Coach)**

Exporter/Shipper:

**RHINUEL SARMIENTO**  
Matabon City 1470 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 12 April 2023, a shipment bound to Laval, Quebec, Canada (Consignee: Carlos Ferdinand) under House Airway Bill No. 771773034759 said to contain **“FLORAL DRESS, COAT DRESS, ADULT SLEEPWEAR, HOODIE JACKETS, URBAN SHORTS”** under the name of RHINUEL SARMIENTO with address at Malabon City 1470 PH (Contact No.: 09465197860, Email address: Int.fedex@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 12 April 2023, Trade Control Examiner Marife Foloso conducted physical examination on the subject shipment in the presence of representative from FedEx with the following findings:

AS DECLARED IN THE INVOICE	AS FOUND
<ul style="list-style-type: none"> <li>• 10 pcs. Floral dress</li> <li>• 6 pcs. Coat dress</li> <li>• 8 pcs. Adult sleepwear</li> <li>• 10 pcs. Hoodie jackets</li> <li>• 5 pcs. Urban Shorts</li> </ul>	<ul style="list-style-type: none"> <li>• Various bags (4 pcs. Long Champ, 3 pcs. Tory Burch, 2 pcs. Hermes, 2 pcs. LV, 1 pc Gucci beltbag)</li> <li>• Various eyewear (2 pcs. LV, 3 pcs. Hermes, 2 pcs. Prada, 1 pc. Chanel,</li> </ul>

<b>Value: USD 214.00</b> <b>Gross Weight: 20.5 kgs.</b>	2 pcs. Dior) <ul style="list-style-type: none"> <li>• Various wallets (3 pcs. MK, 1 pc. Tory Burch, 2 pcs. CK, 2 pcs. Prada, 7 pcs. Gucci, 5 pcs. Coach)</li> </ul>
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WHEREAS, on 04 May 2023, the Office of the District Collector received a Memorandum of even date from Ms. Maricar N. Go and Ms. Folloso, 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 Warrant of Seizure and Detention (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);

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;

**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.**

08 May 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
- MARIFE V. FOLLOSO**  
Trade Control Examiner, FedEx
- Commissioner Of Customs
- Commission On Audit
- BATAS, Legal Service
- Intelligence Group
- Account Management Office
- Risk Management Office
- CIIS-Port Of Clark