



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 052-2023 (NAIA)

-versus-

One Hundred Thirty (130) Packs of Gaming Cards brought in by incoming Filipino Passenger, **JOSE NINO MARIA LIM TALENS**, from Malaysia who arrived on 24 February 2023 at NAIA Terminal 2.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described One Hundred Thirty Packs of Gaming Cards for violation of Section 119 (b) in relation to Paragraph 9.3 of Customs Administrative Order No. 10-2020, and Section 11 of Presidential Decree No. 956.

A cursory review of the entire records of the instant seizure and forfeiture case reveals the following antecedents, to wit:

1. On 24 February 2023, Filipino Passenger Jose Nino Maria Lim Talens, with Passport No. P1739532B arrived at NAIA Terminal 2 on board Flight No. PR526 from Malaysia;
2. His baggage was marked "X" by X-ray Operator Jayson G. Ballente during routine x-ray inspection;
3. Consequently, the subject baggage was assigned to Customs Examiner Edgardo Cabanillas Jr.;
4. Custom Examiner Cabanillas Jr. then asked Mr. Talens if he has accomplished a Customs Baggage Declaration Form (CBDF), to which he replied by handing out his passport and his accomplished CBDF. Examiner Cabanillas Jr. noted that passenger Talens ticked "No" to all items pertaining to page 3 of said form except No.8. When he was asked if he had anything to declare, he replied in the affirmative;
5. COO III Cabanillas, Jr. then conducted an actual examination on the luggage and yielded One Hundred Thirty (130) Packs of Gaming Cards with a total estimated value of Twenty US Dollars (USD 20.00);
6. For failure to present Permit from the Philippine Amusement and Gaming Corporation (PAGCOR), Held Baggage Receipt (HBR) No. 00100002227 was issued to passenger Talens and the subject items were turned-over and received by Sheila May Asis to the Baggage Assistance Division, this Port.
7. In a Memorandum dated 24 February 2023 for the District Collector, Customs Examiner Edgardo P. Cabanillas, Jr. and Reginaldo Castaneda, Flight Supervisor, thru the then Deputy Collector for Passenger Service, submitted their Incident Report and recommended for the submission of Permit from PAGCOR of the subject articles;

8. In a Memorandum dated 13 June 2023, the Chief, Baggage Assistance Division, thru the Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant and Detention against the subject articles for lack of Import Permit/Clearance.

DISCUSSION:

On the basis of the records of the instant case, it is indubitable that the One Hundred Thirty (130) Packs of Gaming Cards found inside the luggage of Jose Nino Maria Lim Talens are restricted goods under Section 119 (Restricted Importation and Exportation) of the Customs Modernization and Tariff Act (CMTA). On this score, Paragraph 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 119 (d) and Section 119 (b) of the Customs Modernization and Tariff Act (CMTA), are instructive and authoritative, to wit:

*“9.3 If the subject shipment involved has been sufficiently established to be prohibited, the same shall be **ipso facto 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 or exportation of the following restricted goods are prohibited:*

- (b) Roulette wheels, gambling outfits, loaded dice, marked cards, machines, apparatus or mechanical devices used in gambling or the distribution of money, cigars, cigarettes or other goods when such distribution is dependent on chance, including jackpot and pinball machines or similar contrivances, or parts thereof;”

Further, Section 11 of Presidential Decree 956, provides:

“Section 11. Importation of Gaming Paraphernalia and Devices. The importation of gaming paraphernalia and devices shall not be allowed, except when the importation is made by the grantee for its exclusive use in the casino and duly authorized by the Commission.
xxx”

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

“SECTION 1113. Property Subject to Seizure and Forfeiture. – Property that shall be subject to seizure and forfeiture include:

x x x x x x

- (f) Goods, the importation or exportation of which are effected or attempted contrary to law, or any goods of prohibited importation or 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;” (Underline for emphasis)

WHEREFORE, the One Hundred Thirty (130) Packs of Gaming Cards from the baggage of passenger **JOSE NINO MARIA LIM TALENS** is hereby declared *ipso facto* **FORFEITED** for violation of Section 1113 (f) and Section 119 (b) of the Customs Modernization and Tariff Act (CMTA) in relation to Paragraph 9.3 of Customs Administrative Order No. 10-2020, and Section 11 of Presidential Decree No. 956 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, this Port, for information of all concerned.

SO ORDERED.

BOC-NAIA, Pasay City, Metro Manila, 26 June 2023.


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

wdy/law/ham



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 050-2023 (NAIA)

-versus-

Seven (7) Units Mobile Phones from incoming Filipino Passenger, **ERNESTO CERDENA CUA**, from Japan who arrived on 24 February 2023 at NAIA Terminal 1.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the above-described articles were brought in by passenger Ernesto Cerdena Cua with Passport No. P2665627B, who arrived at the Ninoy Aquino International Airport on 24 February 2023 on board Flight JL741 from Japan;

WHEREAS, after passing his baggage for x-ray scanning at the Arrival Area, it was marked with "X" by XIP Operator Fahad Pacasum;

WHEREAS, the subject baggage of Passenger Cua was assigned to Customs Examiner Edicon V. Reyes;

WHEREAS, before conducting an actual examination, Custom Examiner Reyes asked Mr. Cua if he has accomplished a Customs Baggage Declaration Form (CBDF), to which the passenger replied by handing out his passport and his accomplished CBDF. In the CBDF, examiner Reyes noted that passenger Cua ticked "No" to all items pertaining to page 3 of the said form except for Item No. 9.

WHEREAS, after explaining that his luggage will be physically examined, COO III Reyes conducted actual examination on the luggage and yielded seven (7) units of mobile phone with a total estimated value of Nine Hundred Five US Dollars (USD 905.00);

WHEREAS, thereafter, the subject items were turned-over and received by Annaliza Reyes of the In-Bond Section, Baggage Assistance Division, this Port, and Held Baggage Receipt No. 00100001697 was issued to Passenger Cua.

WHEREAS, in a Memorandum dated 27 February 2023 for the District Collector, the Customs Examiner and Acting Flight Supervisor, thru the then Deputy Collector for Passenger Service submitted their Incident Report and recommended for the presentation of National Telecommunications Commission (NTC) Import Permit of the subject articles;

WHEREAS, in a Memorandum dated 13 June 20223, Mr. Robert A. Quintana, Chief, Baggage Assistance Division, thru Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant and Detention against the subject articles for lack of Import Permit/Clearance.

WHEREAS, NTC Memorandum Circular No. 01-01-2012 of the National Telecommunications Commission (NTC), particularly Section 2.2 thereof provides:

“2.2 Permit to Import must be secured from this Commission prior to importation. If the shipment arrives without the necessary import permit, a Release Clearance maybe secured by the importer in lieu of the Permit to Import. A Release Clearance maybe issued for unregulated equipment.”

WHEREAS, after 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 of the subject seven (7) units of cellphones for violation of Section 117 in relation to Section 1113 of the Customs Modernization and Tariff Act, and National Telecommunication Commission’s Memorandum Circular No. 01-01-2012;

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 seven (7) units of cellphones, for violation of Section 117 in relation to Section 1113 of the Customs Modernization and Tariff Act, and National Telecommunication Commission’s Memorandum Circular No. 01-01-2012, 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.

BOC-NAIA, Pasay City, 22 June 2023.


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

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