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MEMORANDUM



BOC-28-004603

FOR : **KARREN APRIL A. NOROÑO-GABION**
Officer-in-Charge
Public Information and Assistance Division (PIAD)

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 : **16 JUNE 2023**



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

- SEIZURE IDENTIFICATION NO. 044-2023 (NAIA):** Shipment of Two Hundred Thirty Seven (237) pieces of SIM Cards brought in by passenger **NICHOLAS KENNEDY TANURAHARDJO**;
- SEIZURE IDENTIFICATION NO. 045-2023 (NAIA):** Shipment of Thirty-three (33) pieces Video Home System (VHS) tapes of obscene and immoral content/character brought in by passenger **MR. SAMUEL STANLEY WHITE**;

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

15 June 2023

NICHOLAS KENNEDY TANURAHARJO

Lub D Hotel

Makati City

Subject : Seizure Identification No. 044-2023 (NAIA)

Republic of the Philippines vs Two Hundred Thirty Seven (237) pieces of SIM Cards brought in by **NICHOLAS KENNEDY TANURAHARDJO** on January 8, 2023, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100002148

Dear **Mr. Tanurahardjo**:

This refers to the shipment which is covered by Seizure Identification No. 044-2023 (NAIA) issued on June 14, 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,


ATTY. MANUEL O. ZURBITO JR.

Officer-on-Case



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
 NO. 044-2023 (NAIA)

-versus-

Two Hundred Thirty Seven (237) pieces of SIM Cards brought in by **NICHOLAS KENNEDY TANURAHARDJO** on January 8, 2023, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100002148.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the 237 pieces SIM Cards were brought into the country by passenger Nicholas Kennedy Tanurahardjo, an Indonesian national and holder of Passport No. C9933985, who arrived on 08 January 2023 at NAIA Terminal 2 on board Philippine Airlines Flight PR 536 from Jakarta, Indonesia.

WHEREAS, passenger Tanurahardjo’s luggage was marked “X” by XIP Operator Guillermo Catanaoan and was referred to Customs Examiner Nerizza R. Pantaleon for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Pantaleon asked passenger Tanurahardjo if he accomplished a Customs Baggage Declaration Form (CBDF) and the passenger then handed his Passport and an accomplished CBDF. Customs Examiner Pantaleon saw that the passenger 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 Pantaleon asked the passenger 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 Pantaleon found the 237 pieces SIM Cards inside the luggage of passenger Tanurahardjo. However, said passenger did not have the required NTC Import Permit/Clearance. Hence, these articles were held from release after Customs Examiner Pantaleon issued Held Baggage Receipt No. 00100002148 to the passenger. Thereafter, the SIM Cards 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 January 11, 2023, Customs Examiner Nerissa R. Pantaleon and Ms. Annalyn V. Reyes, 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 SIM Cards be held from release pending the submission of the required NTC Import Permit/Clearance. To date, however, passenger Tanurahardjo have yet to submit the required NTC Import Permit/Clearance.

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 237 pieces SIM Cards brought in by passenger Tanurahardjo for violation of Section 1113 (f) in relation to Section 117 of the Customs Modernization and Tariff Act (CMTA), and applicable NTC laws, rules and regulations.

WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject 237 pieces SIM Cards be for violation of Section 1113 (f) in relation to Section 117 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, 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 Administrative Order (CAO) 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 of Seizure and Detention *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, 14 June 2023.


ATTY. MARIA YASMIN M. OBILLOS MAPA
Acting District Collector

JUN 14 2023

Law/wady/eyllv



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 045-2023 (NAIA)

-versus-

Thirty-three (33) pieces Video Home System (VHS) tapes of obscene and immoral content/character brought in by **MR. SAMUEL STANLEY WHITE** who arrived on January 14, 2023, and held in custody at the In-Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 0010003048

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described articles which were brought in by Mr. Samuel Stanley White upon his arrival at the Ninoy Aquino International Airport (NAIA) on January 14, 2023, for violation of Section 118 (c) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA).

The antecedent facts of the instant case are as follows:

1. Mr. Samuel Stanley White, an American national and holder of Passport No. 594309418, arrived on January 14, 2023 at the Ninoy Aquino International Airport Terminal 1 on board Japan Airlines Flight JL745 from Japan.
2. Passenger White's check-in luggage was marked with "X" by XIP Operator Mr. Bernardino Grajo, and he was referred to Customs Examiner Ms. Hirosica Liscano for physical examination of said luggage.
3. Before conducting an actual examination of the said luggage, Customs Examiner Liscano asked Mr. White if he had accomplished the needed Customs Baggage Declaration Form (CBDF) and if he has anything to declare. At this point, Mr. White handed over his Passport and his accomplished CBDF. Customs Examiner Liscano then went over the said CBDF and found that the passenger answered "NO" to all the questions therein except to Nos. 8 and 9 which he answered "YES". Customs Examiner Liscano also informed passenger White of the consequences if he failed to declare anything to which the passenger replied in the affirmative.
4. The actual examination of the luggage of Mr. White yielded thirty three (33) pieces of Video Home System (VHS) tapes containing cinematographic films of obscene and immoral characters.
5. In a Memorandum for the District Collector, this Port, dated January 14, 2023, Customs Examiner Hirosika Liscano and Ms. Annalyn V. Reyes, 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 said pornographic VHS tapes be confiscated. Thereafter, the same were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

DISCUSSION:

On the basis of the records on file, it is indubitable that the subject shipment contained thirty three (33) pieces Video Home System (VHS) of Obscene and Immoral Character with an estimated value of US\$1,650.00 or Philippine Pesos Php90,626.08 and gross weight of

6.86 kilograms, the importation of which is prohibited under Section 118 (c) (Prohibited Importation and Exportation) of the Customs Modernization and Tariff Act (CMTA). On this score, Section 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 119, Paragraph (d) 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 118. Prohibited Importation and Exportation.** – The importation and exportation of the following goods are prohibited:

X X X X X X

- (c) Written or printed goods, negatives or cinematographic film, photographs, engravings, lithographs, objects, paintings, drawings or other representation of an obscene or immoral character;”

In conjunction, the importation of the subject VHS Tapes is in violation of Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), which provides that:

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

- (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;”*

WHEREFORE, the thirty-three (33) pieces VHS tapes are hereby declared *ipso facto FORFEITED* for violation of Section 118 (c) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and Section 9.3 of Customs Administrative Order No. 10-2020, to be disposed in accordance with law, and subject to the strict compliance with customs laws, rules and regulations applicable hereto.

Let copies of the Decision be furnished to all offices and parties concerned for their information and guidance. A copy thereof shall be posted on the Bulletin Board of the Law Division and at the Baggage Assistance Division, this Port, for information of all concerned.

SO ORDERED.

BOC-NAIA, Pasay City, 14 June 2023.

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

14 2023

Law/wady/ey/IV