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MEMORANDUM

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

THRU : **ATTY. MARIA YASMIN M. OBILLOS-MAPA**
Acting District Collector

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

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

DATE : **10 AUGUST 2023**

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

- SEIZURE IDENTIFICATION NO. 074-2023 (NAIA):** Ten (10) units of Genuinetek brought in by WEIJUN JIANG, who arrived on January 3, 2023 and held in custody under Held Baggage Receipt No. 00100001608;
- SEIZURE IDENTIFICATION NO. 075-2023 (NAIA):** One Hundred Forty (140) pieces of Philippine Php1,000 denomination Notes totaling Php140,000.00 brought in by passenger SHUHEI KOBAYASHI on 13 July 2023, and held in bond under Held Baggage Receipt No. 00100003307 at the In-Bond Section, Baggage Assistance Division.

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 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 with the BOC website for fifteen (15) days. A copy of said warrant is herein attached. Furthermore, scanned copies thereof were also forwarded to Piad@customs.gov.ph and Jessil.garlando@customs.gov.ph.



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 075-2023 (NAIA)

-versus-

One hundred forty (140) pieces of Philippine Php1,000 denomination Notes totaling Php140,000.00 brought in by passenger **SHUHEI KOBAYASHI** on 13 July 2023, and held in bond under Held Baggage Receipt No. 00100003307 at the In Bond Section, Baggage Assistance Division.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the above-described Philippine Notes were found inside the handcarried luggage of MR. SHUHEI KOBAYASHI, a Japanese national and holder of Passport No. TR8096380, who arrived on 13 July 2023 at the NAIA Terminal 1 on board Zipair Flight ZG095 from Narita, Japan.

WHEREAS, passenger Kobayashi's handcarried luggage underwent a non-intrusive X-ray inspection by XIP Operator Sannylyn Fernandez, who, thereafter referred said passenger to Ms. May Ann B. Panaligan, Customs Examiner, for physical examination.

WHEREAS, before conducting an actual physical examination, Customs Examiner Panaligan asked passenger Kobayashi for his accomplished Baggage Declaration Form (CBDF), which the latter handed together with his Passport. Customs Examiner Panaligan saw that passenger Kobayashi checked "NO" to all items on page 3 of the CBDF, except Item Number "1" thereof wherein he declared that he was bringing in "*Philippine Currency x x x in excess of P50,000.00. x x x*" However, Mr. Kobayashi did not have nor could present the required authorization from the Bangko Sentral ng Pilipinas at the Bureau of Customs Arrival Area. Customs Examiner Panaligan also asked passenger Kobayashi if he has anything to declare to which the latter replied in the affirmative.

WHEREAS, Customs Examiner Panaligan found One Hundred Ninety (190) pieces of Philippine Notes inside passenger Kobayashi's handcarried luggage. Immediately after the discovery of the said Philippine notes, fifty pieces thereof or its equivalent of Fifty Thousand Pesos (Php50,000.00) was returned to Passenger Kobayashi since this is the only allowable amount under BSP regulations which any person may bring into the country without any prior authorization from the latter.

Thereafter, an actual inventory was conducted by Customs Examiner Panaligan in the presence of passenger Kobayashi, Flight Supervisor Manuel J. Mendoza, SA I Nonette Briones from the ESS, Special Agent 1 Alejandro F. Trespeces III, and Leandro T. Antonico and Krishen C. Aquino, both Passenger Agents of ZIPAIR Airlines.

WHEREAS, Held Baggage Receipt No. 00100003307 was issued to passenger Kobayashi and the amount of One Hundred Forty Thousand Pesos (Php140,000.00) was turned over to the In Bond Room, Baggage Assistance Division, and eventually to Ms. Divina B. Garrido, Acting Chief, Collection Division, this Port, for custody and safekeeping.

WHEREAS, in a Memorandum dated 14 July 2023, Ms. May Ann B. Panaligan, Customs Examiner, and Mr. Manuel J. Mendoza, Flight Supervisor, thru Atty. Danilo M. Campos Jr., Chief, Arrival Operations Division, and Mr. Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, reported their findings and recommended for the issuance of Warrant of Seizure and Detention against the subject Philippine Currency in the amount of P140,000.00 for violation of Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, bearing the subject "Amendments to the Rules on Cross Border Transfer of Local and Foreign Currencies".

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 One Hundred Forty (140) pieces of Philippine Notes or its equivalent of One Hundred Forty Thousand Pesos (Php140,000.00) for violation of Bangko Sentral ng Pilipinas Circular No. 1146, series of 2022, in relation to Section 117 of the Customs Modernization and Tariff Act (CMTA).

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 One Hundred Forty (140) pieces of Philippine Notes or its money equivalent amounting to Php140,000.00 be, for violation of Bangko Sentral ng Pilipinas Circular No. 1146, series of 2022, in relation to Section 117 of the Customs Modernization and Tariff Act (CMTA), to be held in custody at the Collection Division, this Port, for 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.

AUG 08 2023

BOC-NAIA, Pasay City, _____ August 2023.

ATTY. MARIA YASMIN M.  MAPA
Acting District Collector

Law/wady/eyllv



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 074-2023 (NAIA)

-versus-

Ten (10) units of Genuinetek brought in by **WEIJUN JIANG**, who arrived on January 3, 2023 and held in custody under Held Baggage Receipt No. 00100001608.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 03 January 2023, at the NAIA Passenger Terminal 1, a male Chinese national, Mr. Weijun Jiang, with Passport No. E78243563, arrived on board Malaysian Airlines Flight MH 819 from Xiamen, China.

WHEREAS, passenger Jiang's luggage was marked "X" by XIP Inspector Mohamad Jonaid M. Udasan and was referred to Customs Examiner Kimberly A. Sangalang for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Sangalang asked passenger Jiang if he accomplished a Customs Baggage Declaration Form (CBDF) and the latter handed over his Passport and an accomplished CBDF. Passenger Weijun Jiang ticked "No" to all the items on page 3 of the CBDF, except for Item No. 8 wherein he ticked "Yes" to the phrase "Foodstuff, fruits, vegetables x x x" and added "Switch" in Item 12 thereof.

WHEREAS, Customs Examiner Sangalang found ten (10) units of Genuinetek (three in one network with cables and wires) with an estimated value of US\$2,298.22. She also found inside two (2) kilograms of nuts, one (1) kilogram dried leaves and 3.3 kilograms of sausages with a total estimated value of \$400.00.

WHEREAS, passenger Jiang failed to submit an Import Permit/Clearance from the National Telecommunication Commission (NTC) for the ten units of Genuinetek, locally known as Mobile Signal Booster Repeater, and also the required Plant Quarantine Permit and Phytosanitary Import Permit/Clearance from the Department of Agriculture (DA) for the nuts, dried leaves and sausages. Thus, the examined goods were held from release, and Held Baggage Receipt No. 00100001608 was issued to Passenger Jiang. The Genuinetek with parts and accessories were placed inside the In Bond Room for safekeeping and the nuts, dried leaves and sausages were confiscated by Plant Quarantine Officer Tommy and Veterinary Quarantine Officer Allan Figueroa respectively, after issuance of the Inspector's Report No. 11-07 and Notice of Violation No. 2023-005 both dated January 3, 2023.

WHEREAS, in a Memorandum dated 09 January 2023, Customs Examiner Kimberly A. Sangalang and Acting Flight Supervisor Diana Abigail E. Asilo, thru the then Chief, Arrival Operations Division, and then Deputy Collector for Passenger Service, reported their findings and recommended that the ten (10) pieces of Genuinetek be held in custody until passenger Jiang submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC). For the foodstuff such as the nuts,

dried leaves and sausages, they have been confiscated by the Veterinary Quarantine Service (VQS) at NAIA Terminal 1 as of 03 January 2023.

WHEREAS, in his Memorandum dated 13 June 2023, then Chief, Arrival Operations Division, thru the Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the Genuinetek with parts and accessories which were placed inside the In Bond Room for safekeeping and the nuts, dried leaves and sausages which have been confiscated by the Veterinary Quarantine Service (VQS) at NAIA Terminal 1 as of 03 January 2023.

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 subject goods 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 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 ten (10) pieces of Genuinetek with parts and accessories 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, to be turned 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 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, ^{AUG 08 2023} August 2023.

ATTY. MARIA YASMIN M.  OQUILLO
Acting District Collector

Law/wady/moz