



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES,

SEIZURE IDENTIFICATION

-versus-

CASE NO. 153 -2023

A shipment of 1X20' bearing Container No. CAAU2020807 FTC: 1 UNIT USED LEXUS LX570, COLOR WHITE PEARL WITH CHASSIS NO. JHY00W5A4047113 AND ENGINE NO. 3061314 AND THREE (3) UNMANIFESTED USED MOBILE PHONES (BRAND: SAMSUNG, IPHONE AND BLACKBERRY) covered by BL No. 410310004337, which arrived at Manila International Container Port on board the vessel "TSL Dalian" with Registry No. TSL0033-23;

For Violation of : Section 117 "Regulated Importation and Importation" in relation to Section 1113 "Property Subject to Seizure And Forfeiture" of the Customs Modernization and Tariff Act (CMTA)

AHMED BADJO,

Studio City Tower 1 Flr Unit 1010 Alabang
1270 Muntinlupa City
Claimant

X-----X

WARRANT OF SEIZURE AND DETENTION

TO: THE DISTRICT COMMANDER - ESS
MICP

WHEREAS, a shipment of 1x20' bearing container no. CAAU2020807 consigned to **AHMED BADJO** STC: 1 UNIT USED LEXUS LX570, COLOR WHITE PEARL WITH CHASSIS NO. JHY00W5A4047113 AND ENGINE NO. 3061314 covered by BL No. 410310004337, arrived at Manila International Container Port on board the vessel "TSL Dalian" with Registry No. TSL0033-23;

WHEREAS, on June 23, 2023, an Pre-Lodgement Control Order No. P/MICP/20230623-00053 was issued by the Office of the District Collector (ODC) for possible violation of Section 117 "Regulated Importation and Importation" and Section 1400 "Misdeclaration in Goods Declaration" in relation to Section 1113 "Property Subject to Seizure And Forfeiture" of the Customs Modernization and Tariff Act (CMTA) with derogatory information from Enforcement and Security Service (ESS) that the subject article is **suspected of not having Certificate of Authority to Import (CAI) Permit;**

WHEREAS, On June 26, 2023, a notice was served to the subject consignee relative to the issued PLCO. Eventually, this was returned by ESS-MICP since it was discovered that the consignee does no longer exist in the mailing address. In addition, such notice was posted in the Customer Care Center-MICP on even date, Nevertheless, the importer or brokers representative still did not appear and coordinate with the examiner despite due notice thru the above-cited means;

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

Manila International Container Port, Isla Puting Bato
Tel. Nos. 8527-4537, 8527-1935

Website: www.customs.gov.ph Email: Boc.cares@customs.gov.ph

WHEREAS, on July 20, 2023 physical examination was conducted by the assigned Customs Examiner at the Manila International Container Terminal-Designated Examination Area (MICP-DEA), together with SAI Saturn Dael, CIIS Representative; SAI Yvonne Baduyen, ESS Representative and SAI Dan Christopher Valencia, CAIDTF Representative and Mr. Renz John S. Temeña, CCBI Representative who served as witnesses and yielded the following findings, to wit;

CONTAINER NUMBER	AS MANIFESTED	FINDINGS	REMARKS
1X20' CAAU2020807	STC: 1 UNIT USED LEXUS LX570, COLOR WHITE PEARL WITH CHASSIS NO. JHY00W5A4047113 AND ENGINE NO. 3061314 AND 3 UNMANIFESTED USED MOBILE PHONES (BRAND: SAMSUNG, IPHONE AND BLACKBERRY)	<p><u>WITHOUT CAI PERMIT:</u></p> <p>1 UNIT USED LEXUS LX570, COLOR WHITE PEARL WITH CHASSIS NO. JHY00W5A4047113 AND ENGINE NO. 3061314</p> <p><u>UNMANIFESTED ITEMS:</u></p> <p>3 USED MOBILE PHONES (BRAND: SAMSUNG, IPHONE AND BLACKBERRY)</p>	FOUND TO CONTAIN USED LEXUS LX570 WITHOUT CAI PERMIT AND UNMANIFESTED USED MOBILE PHONES. FOR ISSUANCE OF WSD AGAINST THE ENTIRE SHIPMENT

WHEREAS, on 21 July 2023, a Disposition Form was submitted by Francidieto T. Garcia Jr., COOIII, Sec. 5, and Sandy D. Sacluti, COOV, Sec. 5, FED, this Port, recommends for the issuance of Warrant of Seizure and Detention (WSD) against the subject shipment, to wit:

"xxx

1. XXX
2. XXX
3. XXX
4. XXX
5. XXX
6. XXX
7. During the conduct of inspection, the assigned customs examiner found one (1) unit used LEXUS LX570 which require CAI permit from the Department of Trade and Industry (DTI) pursuant to Executive Order (EO) No. 156 ad amended by EO 877-A or The Comprehensive Motor Vehicle Development program, and unmanifested used mobile phones that need permit from National Telecommunications Commission under NTC Memorandum Circular No. 01-01-2012.
8. Moreover, Section 117 with the subject "Regulated Importation and Exportation" of the Customs Modernization and Tariff Act (CMTA) lays down that goods which are subject to regulations shall be imported or exported only after securing the necessary goods declaration or export declaration or export declaration, clearances, licenses and other any requirements.

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

9. Further, Sub-section (f) of Section 1113 with Property Subject to Seizure and Forfeiture" of the CMTA states that:

'xxx (f) **Goods, the importation xxx 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. xxx" (emphasis supplied)

10. Clearly, the suspected violation and derogatory information by virtue of the alert order turned out POSITIVE. The assigned customs examiner recommends the issuance of Warrant of Seizure and Detention (WSD) against the entire shipment.

WHEREAS, based on the recommendation of the assigned Customs Examiner, Customs Appraiser concurred by the Acting Chief, FED and Acting Deputy Collector for Assessment on 21 July 2023, this Port finds that probable cause exists to warrant the seizure and detention of the subject shipment for violation of Section 117 "Regulated Importation and Importation" in relation to Section 1113 "Property Subject to Seizure And Forfeiture" of the Customs Modernization and Tariff Act (CMTA);

WHEREAS, the subject shipment is presently located at ICTSI.

WHEREFORE, by virtue of the authority vested in me by law, and in compliance with pertinent Customs laws, rules and regulations, you, together with the representative of this Office, are hereby ordered to forthwith seize the aforementioned articles and turn them over to the custody of Auction and Cargo Disposal Division of this Port. Compliance with Customs Memorandum Order No. 8-84, particularly on the matter of making a return of service and submission of the inventory report or list of the article/s seized. **Thus, you are hereby ordered to comply with Sections 6.5 and 6.6 of CAO No. 10-2020 in serving the Warrant of Seizure and Detention and making a return of service thereof.**

SO ORDERED.

JUL 27 2023

MICP Customhouse, Philippines _____.

ROMEO ALLAN R. ROSALES
District Collector, MICP

Consignee: **AHMED BADJO**
BL No. **410310004337**
PLCO No. **P/MICP/20230623-00053**

Cc:

- | | |
|---|------------------------------------|
| 1. Unit/Office in custody of the article/s; | 4. Apprehending Unit/Office-MICP |
| 2. Claimant/Consignee; | 5. Resident Auditor/COA |
| 3. Chief, ACDD | 6. Account Management Office (AMO) |

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