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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 : **3 AUGUST 2023**

This refers to the herein attached Decision of Forfeiture and Warrant of Seizure and Detention (WSD):

- 1. SEIZURE IDENTIFICATION NO. 064-2023 (NAIA):** Shipment of Four (4) units Mobile Phones brought in by **KUANGCHANG LIU**;
- 2. SEIZURE IDENTIFICATION NO. 065-2023 (NAIA):** Shipment of Twenty-one (21) units Iphone 13 PRO 128 GB Graphite MLV93ZPIA and Eleven (11) units of Galaxy S21 +5GB 256 GB brought in by **VAN ZYL PIETER**;
- 3. SEIZURE IDENTIFICATION NO. 066-2023 (NAIA):** Shipment of Twelve (12) pieces SIM Cards and two (2) units Mobile Phones brought in by passenger **ZULWIRANDI PUTRA**;
- 4. SEIZURE IDENTIFICATION NO. 069-2023 (NAIA):** Shipment of One Hundred Seventy-One (171) boxes of Assorted Cosmetics and Skin Care Products brought in by incoming Korean Passenger **CHAE EUN BAEK**;

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 request 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.



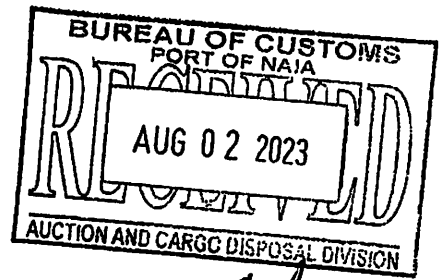
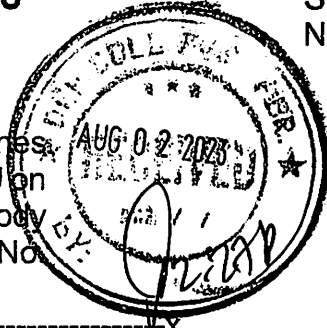
FILE COPY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION NO. 064-2023 (NAIA)

-versus-

Four (4) units of Mobile Phones brought in by **KUANGCHANG LIU** on 28 August 2022 and held in custody under Held Baggage Receipt No. 00100001259.



X-----X

WARRANT OF SEIZURE AND DETENTION

Thompson 1957m
Received by:
V. B. ...
08/02/23

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

WHEREAS, on 28 August 2022, Kuangchang Liu, a male Chinese national and holder of Passport No. EC2429597, arrived at the NAIA Terminal 1 on board Emirates Airways Flight EK332 from China. After passing through the x-ray scanning of checked-in baggage, his baggage was marked with "X" by the XIP Operator on duty, and was referred to the on-duty customs examiner for physical examination.

WHEREAS, before conducting an actual examination of the subject baggage, Customs Examiner Rayos asked passenger Liu if he was able to accomplish a Customs Baggage Declaration Form (CBDF) and immediately thereafter, he submitted an accomplished CBDF together with his passport. After going over the CBDF, Customs Examiner Rayos found that passenger Liu checked "No" to all the items on page 3 thereof, except for Item 9 which refers to "mobile phones".

WHEREAS, an actual examination was conducted by Customs Examiner Rayos wherein she found inside the four (4) units of mobile phones with an estimated value of US\$800.00. Passenger Liu did not have the required Import Permit/Clearance from the National Telecommunications Commission; hence, the four units of Mobile Phones were held in bond under Held Baggage Receipt No. 00100001259.

WHEREAS, in a Memorandum dated 12 April 2023, Customs Examiner Edicon M. Rayos and Acting Flight Supervisor Cyrus Victor V. Go, thru the Chief, Arrival Operations Division, and the Deputy Collector for Passenger Service, reported their findings and recommended that the four (4) units Mobile Phones be withheld from release until such time that passenger Kuangchang Liu submits the required NTC Permit. However, up to this time, Mr. Liu failed to appear and claim the four (4) units of Mobile Phones.

WHEREAS, in a Memorandum dated 13 June 2023, the Chief, Baggage Assistance Division, and the Acting Deputy Collector for Passenger Service, recommended that the subject two (2) units of Mobile Phones found in the luggage of incoming passenger Kuangchang Liu be seized for lack of NTC Permit and for violation of Section 117 of the Customs Modernization and Tariff Act (CMTA).

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 four (4) units of Mobile Phones brought in by passenger Liu for violation of Section 117 in relation to Section

1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other 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 subject four (4) units of Mobile Phones for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other 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 before the Law Division, and/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, 26 July 2023.


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

Law/wady/eylIV

27 July 2023

MR. KUANGCHANG LIU
Marina Sea View, Pasay

Subject : Seizure Identification No. 064-2023 (NAIA)
Republic of the Philippines vs Four (4) units Mobil Phones brought
in by **KUANGCHANG LIU** on 26 August 2022 and held in custody
under Held Baggage Receipt No. 00100001259

Dear **Mr. KUANGCHANG LIU**

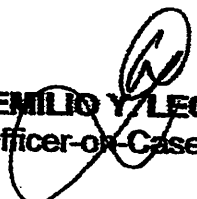
This refers to the shipment which is covered by Seizure Identification No. 064-2023 (NAIA) issued on July 26, 2023 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

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. EMILIO Y. LEGASPI IV
Officer-in-Charge

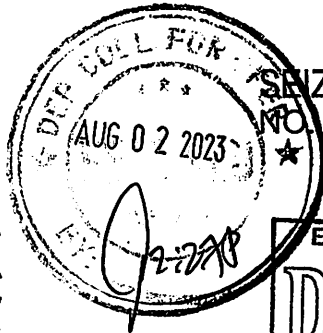


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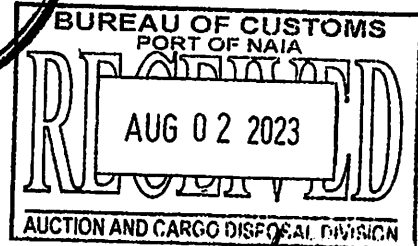
REPUBLIC OF THE PHILIPPINES

-versus-

Twenty-one (21) units of iPhone 13 PRO 128 GB Graphite MLV93ZPIA and eleven (11) units of Galaxy S21+5G 256 GB brought in by **VAN ZYL PIETER** on 26 September 2022, and held in custody under Held Baggage Receipt No. 00100001338.



SEIZURE IDENTIFICATION NO. 065-2023 (NAIA)



X-----X

WARRANT OF SEIZURE AND DETENTION

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

Handwritten signatures and date:
15/08/23
Received by
V. B. [Signature]
08/02/23

WHEREAS, on 26 September 2022, Van Zyl Pieter, a South African national and holder of Passport No. M00103158, arrived at the NAIA Terminal 3 on board Singapore Airlines Flight SQ 912 from Singapore. After passing through the x-ray scanning, his checked-in baggage was marked with "X" by XIP Operator on duty, Mr. Jericho delos Santos, and was referred to the on-duty Customs Examiner for physical examination thereof.

WHEREAS, before conducting an actual examination of the subject baggage, Customs Examiner Janolino asked passenger Pieter if he accomplished a Customs Baggage Declaration Form (CBDF). Immediately thereafter, he submitted an accomplished CBDF together with his passport. After going over the CBDF, Customs Examiner Janolino found that passenger Pieter checked "No" to all the items on page 3 thereof, except for Item 9 which refers to "mobile phones x x x".

WHEREAS, an actual examination of the checked-in baggage was conducted by Customs Examiner Janolino wherein he found inside the Twenty one (21) units of iPhone 13 PRO 128 GB Graphite MLV93ZPIA and eleven (11) units of Galaxy S21+5G 256 GB with an estimated value of US\$28,000.00.

WHEREAS, Passenger Pieter did not have the required Import Permit/Clearance from the National Telecommunications Commission; hence, the twenty one (21) units of iPhone 13 PRO 128 GB Graphite MLV93ZPIA and eleven (11) units of Galaxy S21+5G 256 GB were held in bond under Held Baggage Receipt No. 00100001259.

WHEREAS, in a Memorandum dated 27 September 2022, Customs Examiner Jenel C. Janolino and Flight Supervisor Belinda C. Copioso, thru the Chief, Arrival Operations Division, and the Deputy Collector for Passenger Service, reported their findings and recommended that the subject Mobile Phones be withheld from release until such time that passenger Pieter submits the required NTC Permit. However, up to this time, Mr. Van Zyl Pieter failed to appear and claim the said Mobile Phones.

WHEREAS, in a Memorandum dated 13 June 2023, the Chief, Baggage Assistance Division, and the Acting Deputy Collector for Passenger Service, recommended that the twenty one (21) units of iPhone 13 PRO 128 GB Graphite MLV93ZPIA and eleven (11) units of Galaxy S21+5G 256 GB withheld from incoming

passenger Pieter be seized for lack of NTC Permit and for violation of Section 117 of the *Customs Modernization and Tariff Act (CMTA)*.

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 Twenty One (21) units of iPhone 13 PRO 128 GB Graphite MLV93ZPIA and Eleven (11) units of Galaxy S21+5G 256 GB for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other 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 subject Mobile Phones for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other 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 before the Law Division, and/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.

S O O R D E R E D.

BOC-NAIA, Pasay City, 26 July 2023.


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

Law/wady/eylIV



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



27 July 2023

MR. VAN ZYL PIETER
Aruga By Rockwell

Subject : Seizure Identification No. 065-2023 (NAIA)
Republic of the Philippines vs Twenty-one (21) units Iphone 13 PRO 128 GB Graphite MLV93ZPIA and Eleven (11) units of Galaxy S21 +5GB 256 GB brought in by **VAN ZYL PIETER** on 26 September 2022, and held in custody under Held Baggage Receipt No. 00100001338

Dear **Mr. Van Zyl Pieter**

This refers to the shipment which is covered by Seizure Identification No. 065-2023 (NAIA) issued on July 26, 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. EMILIO Y. LEGASPI IV
Officer-on-Case

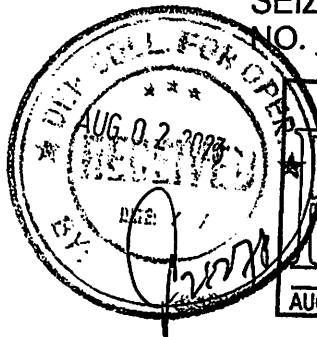


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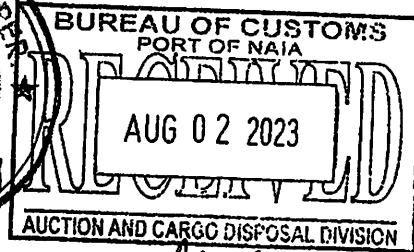
REPUBLIC OF THE PHILIPPINES

-versus-

Twelve (12) pieces SIM Cards and two (2) units Mobile Phones brought in by passenger **ZULWIRANDI PUTRA** on 23 October 2022 and held in custody under Held Baggage Receipt No. 00100001518.



SEIZURE IDENTIFICATION
NO. 066-2023 (NAIA)



Thump 155 pm

X-----X

WARRANT OF SEIZURE AND DETENTION

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

*Received
✓ - B. [Signature]
08/02/23*

WHEREAS, on 23 October 2022, Zulwirandi Putra, an Indonesian national and holder of Passport No. E0030771, arrived on board TR 396 flight from Singapore. After passing through the x-ray scanning of baggage, his checked-in baggage was marked with "X" by XIP Operator Mohamad Jonaid M. Udasan, and was referred to Customs Examiner Feljun M. Roxas for physical examination.

WHEREAS, before conducting an actual examination of the subject baggage, Customs Examiner Roxas asked passenger Putra if he accomplished a Customs Baggage Declaration Form (CBDF) and the latter submitted his accomplished document together with his passport. After going over the CBDF, Customs Examiner Roxas found that passenger Putra checked "No" to all the items on page 3 thereof,

WHEREAS, immediately thereafter, Customs Examiner Roxas conducted an actual examination of Mr. Putra's baggage wherein he found inside twelve (12) pieces Sim Cards and two (2) units Mobile Phones, all of which have a total estimated value of USD 2,100.00.

WHEREAS, passenger Putra did not have the required Import Permit/Clearance from the National Telecommunications Commission, hence, the Sim Cards and Cellphones were held in bond under Held Baggage Receipt No. 00100001518.

WHEREAS, in a Memorandum dated 13 April 2023, Customs Examiner Feljun M. Roxas and Acting Flight Supervisor Marlyn O. Edillor, thru Mr. Roberto A. Quintana, then Chief, Arrival Operations Division, and Atty. Ma. Lourdes V. Mangaoang, JD, CSEE, CEO VI, then Deputy Collector for Passenger Service, reported their findings and recommended that passenger Putra be allowed to submit the NTC Permit and pay the assessed customs duty and tax on the twelve pieces Sim Cards and Two units Mobile Phones.

WHEREAS, in a Memorandum dated 13 June 2023, Mr. Robert A. Quintana, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, recommended that the subject twelve (12) Sim Cards and two (2) units Mobile Phones intercepted from incoming passenger Putra be seized for lack of National Telecommunication Commission (NTC) Permit, in violation of Section 117 of the Customs Modernization and Tariff Act (CMTA).

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 twelve (12) pieces SIM Cards and two (2) units Mobile Phones brought in by passenger Sutra for violation of Section 117 in relation to Section 1113 (f) 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 subject twelve (12) pieces SIM Cards and two (2) units Mobile Phones for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other 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 before the Law Division, and/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, 26 July 2023.


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

Law/wady/moz



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

27 July 2023

MR. ZULWIRANDI PUTRA
Privato, Makati

Subject : Seizure Identification No. 066-2023 (NAIA)
Republic of the Philippines vs Twelve (12) pieces SIM Cards and two (2) units Mobile Phones brought in by passenger **ZULWIRANDI PUTRA** on 23 October 2022 and held in custody under Held Baggage Receipt No. 00100001518

Dear **Mr. Zulwirandi Putra**

This refers to the shipment which is covered by Seizure Identification No. 066-2023 (NAIA) issued on July 26, 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. 069-2023 (NAIA)

-versus-

One Hundred Seventy-One (171) boxes of Assorted Cosmetics and Skin Care Products brought in by incoming Korean Passenger, **CHAE EUN BAEK**, from Korea who arrived on 09 March 2023 at NAIA Terminal 1

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described One Hundred Seventy One (171) boxes of Assorted Cosmetics and Skin care Products for violation of Section 119 (f) and 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order No. 10-2020, in relation to Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711.

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

1. On 09 March 2023, passenger Chae Eun Baek with Passport No. M71740097, arrived at the Ninoy Aquino International Airport on board Flight 7C2305 from Korea.
2. His baggage was marked "X" by XIP Operator Mohamad Jonaid M. Udasan during routine x-ray inspection and was assigned to Customs Examiner Charles Erwin D. Aguila.
3. Before conducting an actual examination, Custom Examiner Udasan asked to submit the accomplished Customs Baggage Declaration Form (CBDF) of Ms. Baek. In the submitted CBDF, examiner Aguila noted that passenger Baek ticked "No" to all items pertaining to page 3. When she was asked if she has anything to declare, she replied in the negative.
4. Thereafter, Examiner Aguila conducted the actual examination of the subject baggage and yielded One Hundred Seventy-One (171) boxes of assorted cosmetics and skin care products with a total estimated value amounting to One Thousand (\$1,000.00) Dollars.
5. For failure to present permit/clearance, the subject items were held in-bond for safekeeping and passenger Baek was issued Held Baggage Receipt No. 00100001721. The subject items were received by Charles Erwin Aguila of the In-Bond Section, Baggage Assistance Division, this Port.
6. In a Memorandum dated 09 March 2023 for the District Collector, Charles Erwin Aguila, Custom Examiner and Belinda C. Copioso, Flight Supervisor, thru the then Deputy Collector for Passenger Service and Chief, Arrival Operations Division, submitted their Incident Report and recommended for the presentation of Food and Drug Administration (FDA) Import Permit of the subject articles.

7. In a Memorandum dated 22 June 20223, the Chief, Baggage Assistance Division, thru then Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention against the subject articles for lack of Import Permit/Clearance.

DISCUSSION:

As culled from the records of the instant case, passenger Baek brought into the country the subject One Hundred Seventy-One (171) boxes of Assorted Cosmetics and Skin Care Products without license, permit/clearance nor authorization from the FDA as required in Section 10 of RA No. 9711 or the Food and Drug Administration (FDA) Act of 2009 which states that:

“Section 10. Section 11, subsections (a), (b), (d), (g), (j), (k) and (l) of Republic Act No. 3720, as amended, are hereby further amended to read as follows:

“SEC. 11. The following acts and the causing thereof are hereby prohibited:

xxx

- (k) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, or retail of any drug, device or in-vitro diagnostic reagent; the manufacture, importation, exportation, transfer or distribution of any food, cosmetic or household/urban hazardous substance; or the operation of a radiation or pest control establishment by any natural or juridical person **without the license to operate from the FDA required under this Act.**”

Relatively, Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009 expressly prohibits such importation, to wit:

“Section 1. General Provisions.

1. The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship **of any health product without the proper authorization from the FDA is prohibited.**
2. The manufacture, **importation**, exportation sale, offering for sale, distribution transfer, or retail of any drug or device; the manufacture, importation, exportation transfer or distribution of any food, cosmetics, household hazardous substances or urban pesticides; or the operation of a radiation facility or pest control establishment **without the appropriate authorization from the FDA is prohibited.**”

On this score, Paragraph 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 119 (f) 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.”

“Section 119. Restricted Importation and Exportation.- Except when authorized by law or regulation, the importation or exportation of the following restricted goods are prohibited:

(f) Any other goods whose importation and exportation are restricted.”

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

“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 subject the One Hundred Seventy One (171) boxes of Assorted Cosmetics and Skin Care Products brought in by Passenger **CHAEUN BAEK** is hereby declared *ipso facto* **FORFEITED** for violation of Section 119 (f) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order (CAO) No. 10-2020, in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009, to be turned over the same to the Auction and Cargo Disposal Division (ACDD) for custody and safekeeping and for final disposition thereof CAO No. 10-2020 bearing the subject “Seizure and Forfeiture 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, 28 July 2023.

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

Wdy/law/ham