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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, 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
WARRANT OF SEIZURE AND DETENTION (WSD)**

DATE : **06 SEPTEMBER 2023**

This refers to the herein attached Warrant of Seizure and Detention relative to **SEIZURE IDENTIFICATION NO. 080-2023 (NAIA)**: Six Hundred Fifty Thousand Pesos (Php650,000.00) intercepted from incoming passengers **TAKEFUMI OKUDA** on 23 July 2023 at NAIA Terminal 1.

As the aforementioned passenger/claimant has indicated insufficient address in the Philippines, the Decision 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 copy of the Decision on Seizure Identification No. 080-2023 (NAIA) 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.



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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

06 September 2023

MR. TAKEFUMI OKUDA

New World Makati Hotel

Subject : Seizure Identification No. 080-2023 (NAIA)
Republic of the Philippines vs Six Hundred Fifty Thousand Pesos
(Php650,000.00) intercepted from incoming passenger
TAKEFUMI OKUDA on 23 July 2023

Dear **Mr. Okuda**

This refers to the shipment which is covered by Seizure Identification No. 080-2023 (NAIA) issued on September 6, 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. HYACINTH A. MIRANDA
Officer-on-Case



BUREAU OF CUSTOMS

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PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 080-2023 (NAIA)

-versus-

Six Hundred Fifty Thousand Pesos
(Php650,000.00) intercepted from
incoming passengers **TAKEFUMI
OKUDA** on 23 July 2023.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, passenger Takefumi Okuda arrived at the Ninoy Aquino International Airport (NAIA) Terminal I on 23 July 2023 on board Philippine Airlines Flight PR 407 from Osaka, Japan.

WHEREAS, when passenger Okuda was already on the lane, she approached Customs Examiner Jovelyn L. Alberto for her to declare Philippine Notes.

WHEREAS, COO III Alberto in turn asked Mr. Okuda if he had accomplished a Customs Baggage Declaration Form (CBDF) to which he responded in the affirmative. Upon checking of the declaration, a figure in the amount of Php 800,000.00 is written on the upper part of the declaration (3rd page). It was also noted that passenger Okuda ticked "Yes" in the general declaration item no. 1 pertaining to Philippine currency. Examiner further asked if she is bringing the amount she stated in the general declaration form in excess of Php 50,000.00. He answered in the affirmative.

WHEREAS, passenger was further asked if he has prior written authorization from the Bangko Sentral ng Pilipinas to which he responded in the negative. He was then handed a Currency Declaration Form (CDF) of the BSP for her to fill out.

WHEREAS, customs examiner Alberto explained to passenger that the only allowable amount to be brought into the Philippines is Php 50,000.00 and any excess thereof requires prior written authorization from the Bangko Sentral ng Pilipinas;

WHEREAS, consequently, examiner Alberto informed her supervisor about the matter who in turn directed her to conduct physical count using the money counting machine;

WHEREAS, the currencies brought in by passenger Okuda were physically counted through the money counting machine in the presence of CIIS agent and ESS agent inside the exclusion room of Terminal 1;

WHEREAS, the physical count yielded in the discovery of Seven Hundred (700) pieces of One Thousand Philippine Peso bill amounting to a total of Seven Hundred Thousand Pesos (Php 700,000.00) which was less than the amount of Eight Hundred Thousand Pesos (Php 800,000.00) as declared in the CBDF.

WHEREAS, the amount of Fifty Thousand Pesos (Php 50,000.00) was returned to passenger Okuda the remaining Six Hundred Fifty Thousand Pesos (Php 650,000.00)

was held in bond for failure to present necessary written prior authorization from the Bangko Sentral ng Pilipinas (BSP).

WHEREAS, the inventory of the remaining Six Hundred Fifty Thousand Pesos (Php 650,000.00) was done in the presence of passenger Okuda and witnessed by Regie Special Agent 1 Rhey Belleza, ESS Operative at NAIA Terminal 1; CIIS Agent Samson Cabato, under the supervision of Flight Supervisor Belinda C. Copioso;

WHEREAS, Held Baggage Receipt No. 00100003420 was issued to passenger Okuda and the confiscated Philippine Notes were then turned over to Annaliza Reyes of the In-bond Unit Baggage Assistance Division for safekeeping;

WHEREAS, on 04 September 2023, the Law Division, this Port, received a Memorandum-Report dated 23 July 2023 of Customs Examiner Jovelyn L. Alberto and Flight Supervisor Belinda C. Capioso, on the incident to the Office of the District Collector with the recommendation for the issuance of Warrant of Seizure and Detention;

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 against the subject Philippine Notes in the amount of Six Hundred Fifty Thousand Pesos (Php 650,000.00) for violation of Section 117 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated April 18, 2013, 874 dated April 8, 2015; 922 dated August 23, 2016 and 1146 dated May 26, 2022), and Republic Act No. 7653 dated June 14, 1993 (The New Central Bank Act);

WHEREAS, Paragraph 1 - Section 4 of BSP Circular No. 1146, Series of 2022, with the subject "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies", as implemented by the Bureau of Customs by virtue of Customs Memorandum Circular (CMC) No. 89-2022 dated July 5, 2022, states:

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding PHP50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

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 Six Hundred Fifty Thousand Pesos (Php 650,000.00) intercepted from incoming passenger **TAKEFUMI OKUDA** on 23 July 2023 for violation of Section 117 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, 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, Metro Manila, 06 September 2023.


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

Wdy/law/ham