



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

Republic of the Philippines,

Seizure Identification

No. 2023-034

-versus-

Vessel "MT Princess Buam Xia" and her cargo loaded with approximately Seventy-One Thousand Five Hundred Twenty-Four and Thirty Nine (71,521.39) Liters of Unmarked Diesel Fuel, Three (3) Lorries loaded with approximately Forty Thousand (40,000) Liters of Unmarked Diesel Fuel, presently docked in the vicinity of the Port of Manila, Manila South Harbor, as implemented by Mission Order No. EGMO-154-2023,

UNKNOW CLAIMANT.

X-----/

NOTICE OF HEARING

TO: The Owner/Proprietor
VESSEL "MT PRINCESS BUAM XIA"

Notice is hereby given that the above-mentioned article/s have been seized pursuant to Sections 117 and 1113 of the CMTA, in relation to DOF-BOC-BIR Joint Circular 001.2021-Field Testing under the Fuel Marking Program pursuant to R.A. No. 10963 otherwise known as the Tax Reform for Accreditation and Inclusion (TRAIN) Law.

The above-entitled case will be heard at the Office of the Law Division (2nd Floor of Prefabricated Building, Bureau of Customs, Gate 3, South Harbor, Port Area Manila) on **September 11, 2023 at 10:00 A.M.**

In connection thereto, you are required submit a summary of admitted facts and proposed stipulation of facts on above-said date and place of hearing, thereafter, you are directed to submit a Position Paper, together with all documentary evidences, if possible certified by the government agency which issued the same, and affidavits of your witness/es and stating the law and jurisprudence pertinent thereto within seven (7) calendar days from said hearing, and the case shall be deemed submitted for resolution, unless a clarificatory hearing is necessary. Failure to comply with the foregoing shall be deemed a waiver, the case will be resolved based on the evidence at hand.

Port of Manila, Philippines, September 04, 2023.

FOR THE DISTRICT COLLECTOR:

Divina L. Alvaro-Angelo
ATTY. DIVINA L. ALVARO-ANGELO, CPA
Hearing/Legal Officer

TO BE RETURNED WITHIN FIVE (5)
DAYS FROM RECEIPT HEREOF



Republic of the Philippines,

Seizure Identification
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- versus -

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UNKNONWN CLAIMANT.

x-----/

WARRANT OF SEIZURE AND DETENTION

T O: The District Commander, ESS
POM

GREETINGS:

WHEREAS, Mission Order No. EGMO-154-2023 dated August 01, 2023 was issued and signed by Atty. Teddy S. Raval, Deputy Commissioner, EG;

WHEREAS, upon boarding and inspection of the cargo of subject vessel, the team found approximately Seventy-One Thousand Five Hundred Twenty-Four and Thirty-Nine (71,521.39) Liters of Unmarked Diesel Fuel, three (3) Lorries loaded with approximately Forty Thousand (40,000) Liters of Unmarked Diesel Fuel;

WHEREAS, the ESS personnel collected fuel samples from the deck compartments of the vessel and as well as in one of the tank trunks for confirmatory testing. All fuel samples failed the confirmatory test;

WHEREAS, in a Memorandum dated August 18, 2023, SPAS Edgar C. Paule, Acting Chief, Water Patrol Division, ESS recommended the issuance of a Warrant of Seizure against the subject vessel and the unmarked diesel fuel and three (3) Lorries loaded with approximately Forty Thousand (40,000) Liters of Unmarked Diesel Fuel;

WHEREAS, probable cause exists to issue a WSD for violation of Sections 117 and 1113 of the CMTA, in relation to DOF-BOC-BIR Joint Circular 001.2021-Field Testing under the Fuel Marking Program pursuant to R.A. No. 10963 otherwise known as the Tax Reform for Accreditation and Inclusion (TRAIN) Law;

WHEREAS, the vessel is located in the vicinity of the Port of Manila, Manila South Harbor under the guarding of the Enforcement and Security Service until proper turn-over is made;

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 the Auction and Cargo Disposal Division of this Port, in compliance with Customs Administrative Order (CAO) No. 10-2020 and CAO No. 3-2019, particularly on the matter of making a return of service and the submission of the inventory report or list of the article/s seized is to be strictly observed and **finally, you are hereby ordered to return the aforesaid Warrant within twenty-four (24) hours from service, to the Law Division, this Port. Failure to do so, the Warrant shall ipso facto be considered null and void.**

SO ORDERED.

Port of Manila, Philippines, AUG 18 2023.

RIZALINO JOSE C. TORRALBA
District Collector *JCT*
POM

CC:

1. Unit/Office in custody of the article
2. Claimant/Consignee
3. Chief, ACDD
4. Apprehending Unit/Office
5. Resident Auditor/COA



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

ENFORCEMENT GROUP ENFORCEMENT AND SECURITY SERVICE

MEMORANDUM

FOR : **RIZALINO JOSE C. TORRALBA**
District Collector of Customs
Port of Manila

FROM : **SPC ISABELO A. TIBAYAN III**
Acting Director, Enforcement and Security Service

SUBJECT : **MEMORANDUM OF ESS OPERATIVES RE APPREHENSION OF VESSEL MT PRINCESS BUAM XIA LOADED WITH APPROXIMATELY 71,527.39 LITERS OF UNMARKED DIESEL FUEL, THREE (3) LORRIES AND APPROXIMATELY 40,000 LITERS OF UNMARKED DIESEL FUEL**

DATE : **18 August 2023**



This is in reference to the above-subject apprehension of vessel M/T Princess Buam Xia, loaded with approximately 71,524.39 liters of Unmarked Diesel Fuel and three (3) lorries and 40,000 liters of Unmarked Diesel Fuel as contained in the attached Report submitted by ESS operatives.

Considering that appropriate criminal charges have already been filed against the suspects allegedly involved in the nefarious activity, the above-signed recommends favorable action on the recommendation of the ESS operatives that a Warrant of Seizure and Detention (WSD) be issued against the vessel MT Princess Buam Xia loaded with approximately 71,524.39 liters of Unmarked Diesel Fuel, the three (3) lorries and the load of approximately 40,000 liters of Unmarked Fuel, for the violation of Section 1113 (a), (k), and (l) of R.A. 10863, otherwise known as the Customs Modernization and Tariff Act in relation to Fuel Marking Program under Section 148-A of the National Internal Revenue Code (NIRC) as amended by R.A. No. 10963, as implemented by DOF-BIRBOC Joint Circular No. 001-2021, and the subsequent institution of forfeiture proceedings.

For consideration.

Encls.: Memo dated 17 August 2023 with its attachments