



Republic of the Philippines,

Seizure Identification
No. 2023-035

- versus -

Vessel MT "MARINA"/"PALAWAN" and her cargo loaded with Unmarked Diesel Fuel stored inside Two (2) Improvised Compartments and Four (4) Drums, presently docked at Pier 13, South Harbor, Manila,

UNKONWN CLAIMANT.

X-----/

NOTICE OF HEARING

TO: The Owner/Proprietor
VESSEL MT "MARINA"/"PALAWAN"

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 2:00 P.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



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UNKONWN CLAIMANT.

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WARRANT OF SEIZURE AND DETENTION

T O: The District Commander, ESS
 POM

GREETINGS:

WHEREAS, Vessel M/T "MARINA"/"PALAWAN" was placed under custody while recovery operations of vessel M/T "Braleman" was conducted. The said vessel was found transferring diesel fuel.

WHEREAS, the subject vessel was seized along the coast of Ternate, Cavite. BOC team and the Philippine Navy operatives were able to board the subject vessel and discovered two (2) improvised compartments and four (4) drums filled with diesel fuel. The vessel crew failed to present pertinent documents relative to the diesel fuel;

WHEREAS, SGS representatives collected fuel samples from the compartments of the vessel for confirmatory testing. All fuel samples failed the confirmatory test;

WHEREAS, in a Memorandum dated August 23, 2023, SPC Isabelo A. Tibayan III, Acting Director, ESS, recommended the issuance of a Warrant of Seizure against the subject vessel and the unmarked diesel fuel found stored inside two (2) improvised compartments and four (4) drums;

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 at Pier 13, South Harbor, Manila 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 23 2023.


RIZALINO JOSE C. TORRALBA
District Collector
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



BOC-06-07665

PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

ENFORCEMENT GROUP ENFORCEMENT AND SECURITY SERVICE

MEMORANDUM

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

A. Arbes
Aug 23, 2023
2:35 pm

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

SUBJECT : MEMORANDUM OF ESS OPERATIVES RE APPREHENSION OF VESSEL MT "MARINA"/"PALAWAN" AND AN UNDETERMINED QUANTITY OF UNMARKED DIESEL FUEL LOADED IN TWO (2) IMPROVISED COMPARTMENTS AND IN FOUR (4) DRUMS

DATE : 23 August 2023

This is in reference to the above-subject apprehension of vessel MT "MARINA"/"PALAWAN" and undetermined quantity of Unmarked Diesel Fuel stored in two (2) improvised compartments and in four (4) drums, which were found on board the subject vessel as contained in the attached Report submitted by ESS operatives.

The subject vessel was taken into custody during the recovery operation of seized vessel MT "Braleman" which absconded from Customs custody when they were both sighted along the coast of Nasugbu, Batangas in the act of transferring and receiving Diesel Fuel thru the use of an extended hose. Subject vessel, MT "Marina"/"Palawan" attempted to flee but was pursued up to the coast of Ternate, Cavite, where the joint BOC and Philippine Navy elements were finally able to board, where the aforementioned compartments/drums of Diesel Fuel were discovered. The sample diesel fuel taken by SGS representatives from the aforementioned compartments/drums yielded FAILED result during the Fuel Marking Test.

MT "Marina"/"Palawan" with its load of Unmarked Diesel Fuel, is currently being guarded by ESS operatives at Pier 13, South Harbor, Manila.

In this regard, the above-signed is recommending favorable action on the request of the apprehending team that a Warrant of Seizure and Detention (WSD) be issued against the vessel and its load of unmarked Diesel Fuel for violation of Section 1113 (a) and (k) of R.A. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA) and 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-BIR BOC Joint Circular No. 001-2021.

For consideration.

Encls.: Memo dated 22 August 2023 with its attachments

