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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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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**
District Collector, BOC-NAIA

FROM : **ATTY. WALLY ANN D. YUMUL**
Acting Chief, Law Division

SUBJECT : **PUBLICATION IN THE BOC WEBSITE OF THE ISSUED DECISION**

DATE : **08 NOVEMBER 2023**

This refers to the herein attached Decision of Forfeiture relative to **SEIZURE IDENTIFICATION NO. 104-2023 (NAIA):** 12,483.097 Grams of Cocaine Hydrochloride brought in by incoming passengers SITI AISHAH BINTE AWANG and NUR ALAVIYAH BINTI HANAFFE, with an estimated street value of Php 66,160,414.10, which arrived on 27 September 2023 at NAIA Terminal 3, Pasay City;

As the aforementioned passengers/claimants have 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. 104-2023 (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.



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 104-2023 (NAIA)

-versus-

12,483.097 Grams of Cocaine Hydrochloride brought in by incoming passengers **SITI AISHAH BINTE AWANG** and **NUR ALAVIYAH BINTI HANAFFE**, with an estimated street value of Php 66,160,414.10., which arrived on 27 September 2023 at NAIA Terminal 3, Pasay City.

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DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described articles concealed in six (6) tin cans and five (5) cylindrical containers containing 12,483.097 grams of Cocaine Hydrochloride "Cocaine", a dangerous drug, for violation of Section 118(g) in relation to Section 1113(f) of Republic Act No. 10863 or the Customs Modernization and Tariff Act (CMTA).

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

1. On 27 September 2023, incoming Singaporean passengers Siti Aishah Binte Awang with Passport No. K3310314D and Nur Alaviyah Binti Hanaffe with Passport No. K1663400D, both arrived at NAIA Terminal 3 on board Qatar Airways flight QR 928 from Doha, Qatar were apprehended by the joint elements of BOC-NAIA and NAIA-IADITG after the discovery of suspected illegal substances from their immediate control and possession.
2. On the same date, after their checked-in and hand carry luggage passed through X-ray screening process, suspicious images appeared on the monitor which prompted X-Ray Inspector On-Duty to mark the subject luggage "X". In the presence of the passengers, the PDEA Agent likewise instructed the PDEA K9 Handler to conduct K9 inspection on the said checked-in and hand carry luggage using their PDEA Narcotic Detection Dog which yielded positive for the presence of dangerous drugs.
3. The Customs Examiner asked both passengers if they owned the green baggage with tag bearing the name "AWANG" to which Siti Aishah Binte Awang affirmed and one (1) small duffle bag labeled "KIPSTA" to which Nur Alaviyah Binte Hanaffe likewise confirmed. Subsequently, their checked-in and hand carry luggage were subjected to 100 % physical examination by the Customs Examiner, which yielded 564 pieces of pellets/capsules placed in six (6) tin cans and five (5) cylindrical containers.
4. Immediately following the said physical examination, a Field Test was conducted using the Rahman Rigaku Spectrometer which resulted positive for the presence of Cocaine Hydrochloride "Cocaine", a dangerous drug under Republic Act No. 9165. The substance has a total estimated street value of Php 66,160,414.00 in a prevailing Dangerous Drugs Board street value of Php 5,300.00 per gram.
5. Consequently, the subject passengers were apprised of the cause of the arrest as well as their Constitutional rights in a language known to them. Further, the markings and inventory were conducted at the place of arrest as witnessed by

Kagawad Amante C. Acosta of Brgy. 183, Pasay City and Media Representative, Mr. Antonio S Gildo, in compliance with Section 21 of RA 9165.

6. On 29 September 2023, PDEA Chemistry Report No. PDEA-NCR-23-0186 confirmed that the samples extracted yielded positive results for the presence of Cocaine Hydrochloride, commonly known as "Cocaine", a dangerous drug under Republic Act No. 9165, as duly examined by Duty Chemist, Shane T. Mendez.
7. In a Memorandum dated 28 September 2023 addressed to the District Collector, this port, the Customs Examiner Kimberly A. Sangalang thru the Acting Deputy Collector for Passenger Service, recommended that a Warrant of Seizure and Detention be issued against the subject luggage for violation of Section 4 of Republic Act No. 9165 and Section 119(d) in relation to Section 1113(f) of Republic Act No. 10863 also known as the Customs Modernization and Tariff Act (CMTA).

DISCUSSION:

On the basis of the records on file, it is unquestionable that the checked-in and hand carry luggage owned and possessed by both incoming Singaporean passengers Siti Aishah Binte Awang and Nur Alaviyah Binti Hanaffe contain white powdery substances which were found positive for the presence of Cocaine Hydrochloride "Cocaine", a dangerous drug prohibited under Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Act of 2002, and is prohibited under paragraph (g) of Section 118 (Prohibited Importation and Exportation) of the Customs Modernization and Tariff Act(CMTA)

Section 4 of the Comprehensive Dangerous Drug Act of 2002 expressly states that:

ARTICLE II Unlawful Acts and Penalties

Section 4. Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.- The penalty of life imprisonment to death and a fine ranging from Five Hundred thousand pesos(P500,000) to Ten million pesos(P10,000.00) shall be imposed upon any person, who, unless authorized by law, shall **import or bring** into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substance derived therefrom even for floral, decorative and culinary purposes.

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On this score, Paragraph 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 118 (g) 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.**"(Emphasis and underscoring supplied)

"Section 118. Prohibited Importation and Exportation.- The importation and exportation of the following goods are prohibited:

(g) All other goods or parts thereof which importation and exportation are explicitly prohibited by law or rules and regulations issued by the competent authority.

Moreover, 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:

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(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 12,483.097 Grams of Cocaine Hydrochloride “Cocaine” clandestinely placed in six (6) tin cans and five (5) cylindrical containers belonging to **SITI AISHAH BINTE AWANG** and **NUR ALAVIYAH BINTI HANAFFE** is hereby declared *ipso facto* **FORFEITED** for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 4 of Republic Act No. 9165, also known as the Comprehensive Dangerous Drugs Act of 2002, to be turned over to the Philippine Drug Enforcement Agency (PDEA) for final disposition thereof pursuant to Customs Administrative Order No. 10-2020 bearing the subject “Seizure and Forfeiture proceedings 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 in 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, 23 October 2023.


ATTY. MARIA YASMIN M. OBILLOS-MAPA
District Collector, BOC-NAIA

Wdy/law/ham