



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

A modernized and credible customs administration that upholds good governance and is among the world's best

Republic of the Philippines,

Seizure Identification
No. 2023-048

- versus -

Vessel "KAI DA 899", presently docked at
Chesteel Marine Industrial Corp., located at 7E
Rodriguez St., Navotas City,

UNKNOWN CLAIMANT.

X-----/

NOTICE OF HEARING

TO: The Owner/Proprietor
VESSEL "KAI DA 899"

Notice is hereby given that the above-mentioned article/s have been seized pursuant to pursuant Section 117, in relation to Section 1113 of the CMTA.

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 **December 20, 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, December 14, 2023.

FOR THE DISTRICT COLLECTOR:

ATTY. DOREVIE P. SUAYBAGUIO
Hearing/Legal Officer

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





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- versus -

Vessel "KAI DA 899", presently docked at
Chesteel Marine Industrial Corp., located at 7E
Rodriguez St., Navotas City,

UNKNOWN CLAIMANT.

X-----/

WARRANT OF SEIZURE AND DETENTION

T O: The District Commander, ESS
POM

GREETINGS:

WHEREAS, based on derogatory information and documents received by CIIS-POM, the subject vessel was under repair by Chesteel Marine Industrial Corp., located at 7E Rodriguez St., Navotas City;

WHEREAS, a certificate of deletion of ship registration was issued by the Maritime Safety Administration of the People's Republic of China dated 16 June 2021, which makes the subject vessel stateless and unregistered, with no proof of paying duties and taxes;

WHEREAS, in a Certification dated 04 April 2023 issued by Atty. Eusebia A. Cadlum-Boco, Regional Director, Regional Office VIII, Maritime Industry Authority (MARINA), Regional Office VIII, the subject vessel is not covered for the issuance of Special Permit to Navigate under the provision of MARINA MC MS No. 2023-01, which covers and/or applies only to all Philippines-registered ships engaged in domestic operation;

WHEREAS, in a Memorandum dated 23 November 2023, IO II Joel C. Pinawin, Field Station Chief, CIIS-POM, recommended the issuance of a Warrant of Seizure and Detention (WSD) against the subject vessel;

WHEREAS, probable cause exists to issue a WSD for violation of Section 117, in relation to Section 1113 of the CMTA;

WHEREAS, the vessel is presently docked at Chesteel Marine Industrial Corp., located at 7E Rodriguez St., Navotas City.

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




Gate 3, South Harbor, Port Area, Manila 1018

+63 (02) 8705-6000 | www.customs.gov.ph | pom.odc@customs.gov.ph

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, DEC 06 2023.


RIZALINO JOSE C. TORRALBA
Acting District Collector
POM *RJ/a*

cc:

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





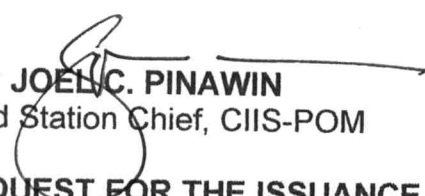
REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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**CUSTOMS INTELLIGENCE AND INVESTIGATION SERVICE
FIELD STATION – PORT OF MANILA**

MEMORANDUM

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

FROM : 
IO II JOEL C. PINAWIN
Field Station Chief, CIIS-POM

SUBJECT : REQUEST FOR THE ISSUANCE OF WARRANT OF SEIZURE
AND DETENTION AGAINST THE VESSEL NAMED KAI DA 899

DATE : 23 November 2023

BUREAU OF CUSTOMS
Received by: A. Gubij
Date: Nov. 23, 2023
DISTRICT COLLECTOR PORT OF MANILA

DISCUSSIONS:

1. Based on derogatory information and document on-hand received by this office that a certain vessel named "KAI DA 899" was under repair by Chesteel Marine Industrial Corp. located at 7E Rodriguez St., Naqvotas 1490 Metro Manila.
2. Upon further verification, it was found that the subject vessel has no valid permit from Maritime Industry Authority based on the certification issued by them dated 04 April 2023.
3. Furthermore, based on the letter from CG Admiral Artemio M. Abu, Commandant, Philippine Coast Guard, it was also noted that the subject shipment was consider as stateless vessel which lacks on proper registration thus has no evidence paying the duties and taxes.
4. In addition, a certificate from China stating that the registration of the said vessel was deleted and a Certificate of Deletion of Ship Registration was issued.

PORT OF MANILA
DIVISION
RACHEL D. TAPIA
RECEIVED BY:
NOV 23 2023
DATE
2:20 PM



Gate 3, South Harbor, Port Area, Manila 1018

+63 (02) 8705-6000, +63 (02) 8527-1968 | www.customs.gov.ph | boc.cares@customs.gov.ph



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RECOMMENDATIONS:

5. In view of the foregoing facts, it is respectfully recommended that issuance of Warrant of Seizure and Detention (WSD) be made against the KAI DA 899 Vessel in violation of Section 117, in relation to Section 1113 of the Customs Modernization and Tariff Act (CMTA).
6. For his consideration.

DECISION MATRIX:

APPROVED

DISAPPROVED

RIZALINO JOSE C. TORRALBA
Acting District Collector
Port of Manila

REMARKS:



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GCL88

BUILDERS & COMMERCIAL TRADING CORP.
Galeria de Comercio Exterior, Torre 504, Piso 504, Edificio Maritimo, Manila.

TRANSMITTAL

November.09.2023

1. Contract between GCL88 BUILDERS And Cesteel Marine Industrial Corp	-
2. Marina Documents	Certificate as ALLIED SERVICES -
3. Affidavit of Ownership	-
4. Builders Certificate	-
5. Commandants Letter (PCG)	-
6. Certificate of Vessel Nationality	-
7. Certificate of Ship Registration	-
8. Certificate of Ownership	-
9. Authorization from Atty. Torreon (from China)	-
10. LBC Tracking	PAL
11. LBC Invoice (from China) to Atty. Torreon	PAL Waybill -
12. Owner's ID (LIU WU)	-
13. Proof of Business Permit of BINHAI COUNTY FIFTH SHIPPING COMPANY SHOWING WHO'S THE OWNER	-
14. Marina Certificate (Tacloban For Atty. Torreon)	-

All Documents Received By: 09 1705H Nov 2023
CG SCPO MARSHIAN M. GARDUQUE

Endorsed By:
MARY ROSE VALLECERA

RECEIVED BY
DATE
NOV. 09. 2023

AFFIDAVIT OF THE FACT OF NON-RECOVERY OF THE ORIGINAL DOCUMENT

I, **CHERRY GIL DE GUZMAN SONG**, of legal age, Filipino, and with address at Unit 504 Scenic Tower, Galeria de Hirondo, Manila, after having been sworn in accordance with law, do hereby depose and state that:

1. I am the authorized representative of **OCEAN BUILDERS AND COMMERCIAL TRADING CORP.**, a domestic corporation formed and established under the laws of the Republic of the Philippines, with office address at Unit 504 Scenic Tower, Galeria de Hirondo, Manila.
2. As an authorized representative, I am authorized to file, process and apply for the application for issuance of MRO IV Clearance for vessels **KAIDA89**.
3. That sometime in February 2023, I submitted before this office a "Sworn Statement with Undertaking" stating that I undertake to deliver the original copy of the deletion certificate issued by the Maritime Safety Administration of the People's Republic of China with the Maritime Industry Authority within the period of three (3) months from the issuance of the MRO IV Clearance otherwise, Show Cause Order will be issued.
4. However, at present, genuine efforts have been made by the undersigned to retrieve and produce the original copy of the deletion certificate issued by the Maritime Safety Administration of the People's Republic of China and to submit the same before the office of the Maritime Industry Authority within the period of three (3) months from the issuance of MRO IV Clearance, but without any result.
5. As such I hereby submit to issuance of a possible show cause order and payment of appropriate fines in lieu of the production and submission of the original copy of the deletion certificate issued by the Maritime Safety Administration of the People's Republic of China.

AFFIANT SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand in this OCT 31 2023
in MANILA, Philippines.

C. G. Song
CHERRY GIL DE GUZMAN SONG
Corporate Secretary
Affiant

SUBSCRIBED AND SWORN to before me this OCT 31 2023 day of _____, Affiant
exhibiting to me his Passport issued at DFA Manila on April 23, 2022.

Doc No. 724
Page No. 2
Book No. 811
Series of 2023.

ATTY ROLAND LAS PINAS
Notary Public, City of Manila
Notarial Commission No. 2023-016
Until Dec 31-2024
216 C. A. M. Lacson St., Ermita, Manila
Roll of Attorney No. 83035
PTR NO. 0822024-JAN 3, 2023/MCA
1211 Montecristal Bldg 2d Flr. Ermita, Manila
MCLE Accredited (D.E.D.) S. 2008



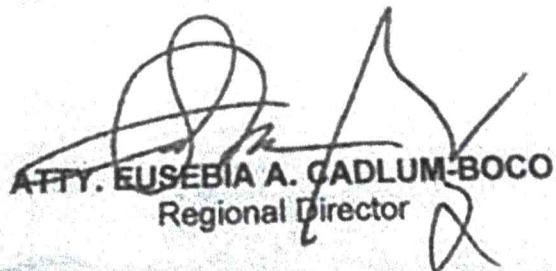
MARITIME INDUSTRY AUTHORITY
Regional Office VIII

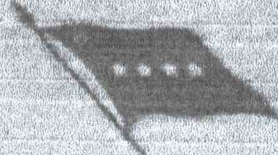
CERTIFICATION

This is to certify that foreign vessel named: "KAI DA 899" is not covered for the issuance of Special Permit to Navigate under the provision of MARINA MC MS NO. 2023-01, which covers and/or applies only to all Philippines-Registered Ships engaged in Domestic Operation.

This certification is issued upon the request of **ATTY. ISRAELITO P. TORREON**, for whatever purpose this may serve.

Issued this 04th day of April 2023 at Tacloban City, Leyte, Philippines.


ATTY. EUSEBIA A. GADLUM-BOCO
Regional Director



TANGGAPAN NG KOMANDANTE
(OFFICE OF THE COMMANDANT)
PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th Street, Port Area
1018 Manila

27 MAR 2023

ATTY. ISRAELITO P. TORREON
Counsel for Registered Owner of Supply Boat
"Kai Da 899" and Seven Chinese Crewmen
The Law Firm of Torreon and Partners
2F Davao Lounge Bldg, Gov Duterte St
Davao City

Dear ATTY. TORREON:

This is in connection to the letter you sent to the Philippine Coast Guard (PCG) with respect to your following request: (a) the full repair and rehabilitation of the distressed supply vessel "Kai Da 899" preferably in the ship repair facilities in Subic, Pampanga or Batangas; (b) the repatriation of crewmen except to the requested number of personnel to man the vessel; and (c) a Filipino Ship Captain be designated in the interim to man the vessel while in territorial waters of the Philippines.

Please be informed that when the distress Supply Vessel KAI DA 899 requested assistance from the PCG, there was an implied consent on their part to be boarded by PCG personnel in order to inspect the status and welfare of its crews, the seaworthiness of the vessel and to check of the aforesaid vessel is equipped with the necessary legal documents onboard.

Noteworthy to stress, during the conduct of the inspection, the master or the crew could not provide other legal documents of the vessels and the only document presented to the VSEI team was a Certificate of Deletion of Ship Registration from the Maritime Safety Administration of the People's Republic of China which makes the vessel a stateless vessel.

For academic discussion, a stateless vessel is one that lacks proper registration, has no flag or has flies two or more flags. Under current international law regime, "statelessness" is not per se repugnant to the law of nations, however, in order to protect the international regime of the high seas, stateless vessels are generally subject to the jurisdiction of all nations.

Thus, in the jurisdiction of the enforcing State, the stateless vessel is subject to all nation legislation.

Further, the Enforcement Inspection Report (EIR) issued by the PCG serves as clear and convincing evidence for the violations incurred by Supply Vessel KAI DA 899.

More so, the violations were committed at a time when the subject vessel was without nationality. It cannot be remedied or cured by the later act of securing a certificate of nationality for the sole purpose of rendering those violations nugatory. To do so will render evading maritime safety standards and regulations futile in exercise and therefore detrimental to the interest of the general public and the international community.

Furthermore, the allegation that the said documents were all lost due to the big waves that the vessel encountered at the sea is suspect and therefore cannot be given greater merit. The crew of the vessel should observe extra ordinary diligence and the documents should always be secured in the safest area of the vessel. Subsequently, on February 13, 2023, the Administrative Adjudication for the case against Supply Vessel "Kai Da 899" was conducted by the PCG at Coast Guard Station Eastern Leyte. After perusal of the circumstances and evidence at hand, a resolution was issued on March 02, 2023 (Encl).

Based on the resolution, the Agency has resolved to permit the repair of the vessel at a reputable shipyard nearby, subject to certain conditions. The owner or authorized representative of the vessel must sign an Affidavit of Undertaking, and the Respondent must obtain a special permit from MARINA to navigate to the shipyard at their own expense, including the cost of a tugboat if needed.

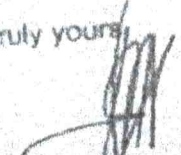
As to the issue concerning the repatriation of crewmen except to the requested number of personnel to man the vessel, this Agency interposes no objection on the said request. Likewise, this Agency recommends to make proper coordination and meeting with the Bureau of Immigration and other government agencies concerned to have a speedy resolution.

Moreover, The PCG allows the Filipino Ship Captain to temporarily operate the vessel while it is in Philippine waters, but can be replaced by the Chinese Ship Captain once the ship is permitted to return to China.

Lastly, please be advised that the Resolution on the EIR case against the supply vessel "Kai Da 899" can now be enforced within the jurisdiction of the Coast Guard District handling the case, without requiring approval from the Higher Command of the Philippine Coast Guard, unless the respondent has filed an appeal.

Rest assured that this Agency is always guided by what is just under the rule of law.

Very truly yours,


CG ADMIRAL ARTEMIO M. ABUE
Commandant, Philippine Coast Guard

Enclosure: Resolution on the Adjudication of the EIR against supply vessel "Kai Da 899"

Copy furnished

CG COMMO ROMEO P. PULIDO JR.
Commander, Coast Guard District Eastern Visayas

*Copies are to be retained in the files of the Commandant, Eastern Visayas District.

滨海县第五航运公司

地址：滨海县正坝镇海堤村

march 23 2023

LOU FANGMENG

GUOHUA SONG
Manila, Philippines

Atty. Israelito P. Torreon
Davao City

This is to confirm your authority as representatives/agents of BINHAI COUNTY FIFTH SHIPPING COMPANY, registered owner of Supply Vessel KAI DA 899, to act for and in its behalf to do any and all acts necessary and proper for the retrieval of the aforesaid Supply Vessel KAI DA 899 which suffered a maritime incident in the high seas while travelling from Fujian to Guandong China and is now docked in the Port of Tacloban, Leyte, Philippines.

This authority includes representing the company-BINHAI COUNTY SHIPPING COMPANY in all negotiations to be conducted with the Philippine Government. Please also ensure that the welfare of the seven crew members of the Supply Vessel KAI DA 899 will be protected and steps should be made so that the said crew members will be repatriated back to China.

It is understood, however, that if the condition of the ship is severe such that it may no longer be financially viable for it to

三 海 星 美 五 航 运 公 司

SHAN HAI STAR MEI WU SHIPPING COMPANY

if travelled back to China, then you are authorized to dispose
of the same pursuant to the laws of the Philippines and remit
the proceeds to me. However, if the damage of the ship is not
so severe, then you are authorized to do the necessary steps in
order to be able to travel back to China.

1/2
J. V. ...
SHAN HAI STAR MEI WU SHIPPING COMPANY

2025年3月23日



船舶注销登记证明书

CERTIFICATE OF DELETION OF SHIP REGISTRATION

船舶识别号 SHIP IDENTIFICATION NO. 170118000009 船舶注销登记号 REGISTRATION DELETION NO.

船名 NAME OF SHIP 兴达

船舶所有人 SHIP OWNER 上海昌泰船务有限公司

承租人 CHARTERER

初始登记号 INITIAL REGISTRATION NO. 170118000009

船呼号 CALL SIGN

登记号 REGISTRATION NO. 170118000009

IMO编号 IMO NO.

船舶种类 TYPE OF SHIP 供应船

船体材料 MATERIAL OF HULL STEEL

建成日期 DATE OF BUILT 2015-01-25

改建日期 DATE OF RECONSTRUCTION

建造地点及船厂 PLACE OF BUILT & SHIPYARD 上海浦东外高桥造船有限公司

改建地点及改建船厂

建造及改建地点及船厂 PLACE OF RECONSTRUCTION & SHIPYARD

长度: 总长 51.6 m; 型宽 8.6 m; 型深 2.4 m

吨位: 总吨 496; 净吨 271

主机: 类型 柴油机; 数量 2; 总功率 2200

船舶资料 PARTICULARS OF SHIP

兹证明该船舶在本登记机关的 所有权 因情 登记于 2021 年 06 月 16 日 在新登记之日前 该船舶在本登记机关无抵押

THIS IS TO CERTIFY THAT THE REGISTRATION OF OWNERSHIP MATTERS OF THE ABOVE-MENTIONED SHIP AT THIS ADMINISTRATION IN 16 D 06 M 2021 Y/ THE DATE WHEN THE SHIP IS REGISTERED A NEW IS THERE ANY MORTGAGE OF THE SHIP REGISTERED WITH THIS AGENCY.

登记机关 中华人民共和国海事局
ISSUED BY
签发日期 2021-06-16
ISSUED ON

中华人民共和国海事局 MARITIME SAFETY ADMINISTRATION PEOPLE'S REPUBLIC OF CHINA

Form of Registration

Name of Ship: ... Former Name: ...

Home Port: ... Former Home Port: ...

IMO No: ... IAO Number: ...

Type of Vessel: ... Hull Material: ...

Shipbuilding Location and Shipyard: ...

Date of Completion: 2018-01-25 (January 25, 2018)

Overall Length: 54.6M ... Width: 8.6M ... Depth: 4.3M ...

Tonnage: Gross Tonn: 496; Net Ton: 277

Ship Host: Internal Combustion Engine; Number of Engine: 2; Total Power: 720 kw

Propeller type XXXXXX; Number XXXXXXX

Owner and Address of the Vessel: Binhai County Fifth Shipping Company; #51 Mengtao Road, Zhenghong Town, Binhai County, Yancheng City, Jiangsu Province.

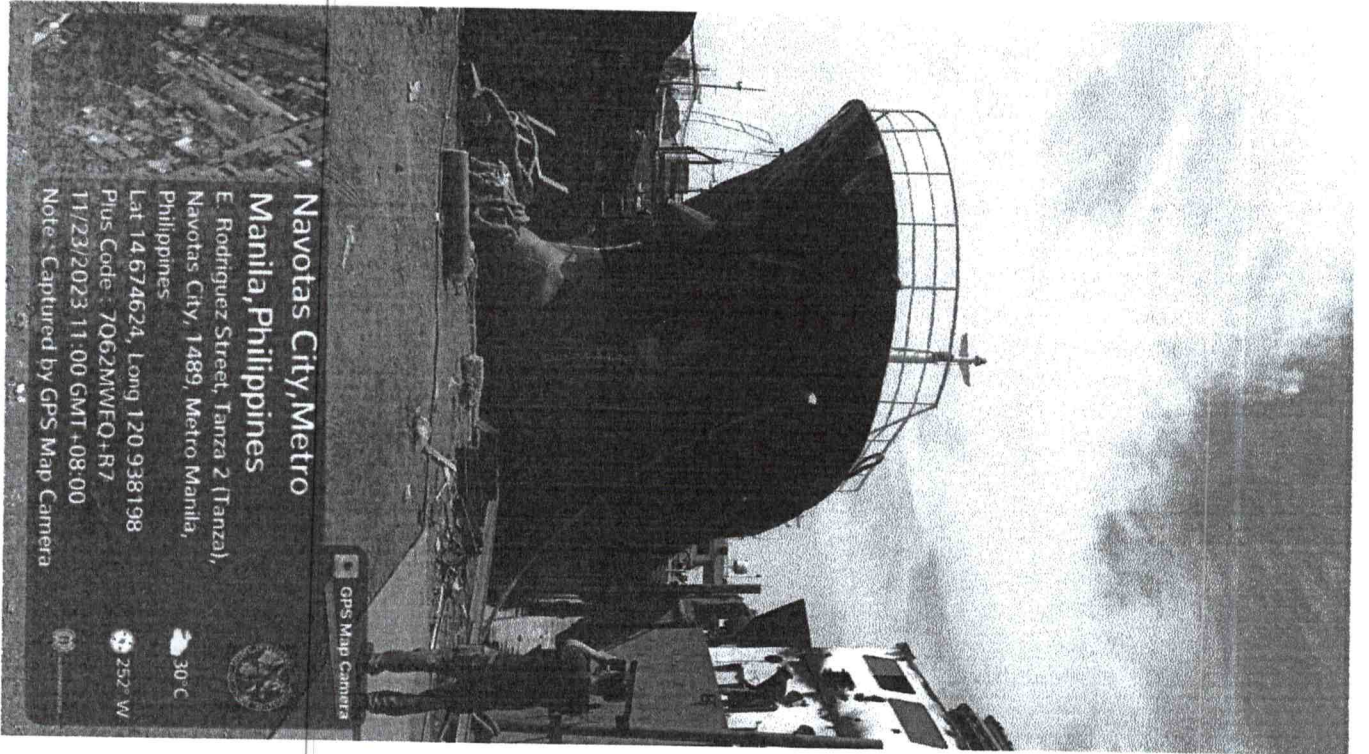
Owner and Address of the Vessel: Binhai County Fifth Shipping Company; #51 Mengtao Road, Zhenghong Town, Binhai County, Yancheng City, Jiangsu Province.

Name of the Legal Representative of the Owner of the Vessel: LIU, WU

Name of the Legal Representative of the Owner of the Vessel: LIU, WU

Date of Acquisition: 2018-02-08 (February 08, 2018)

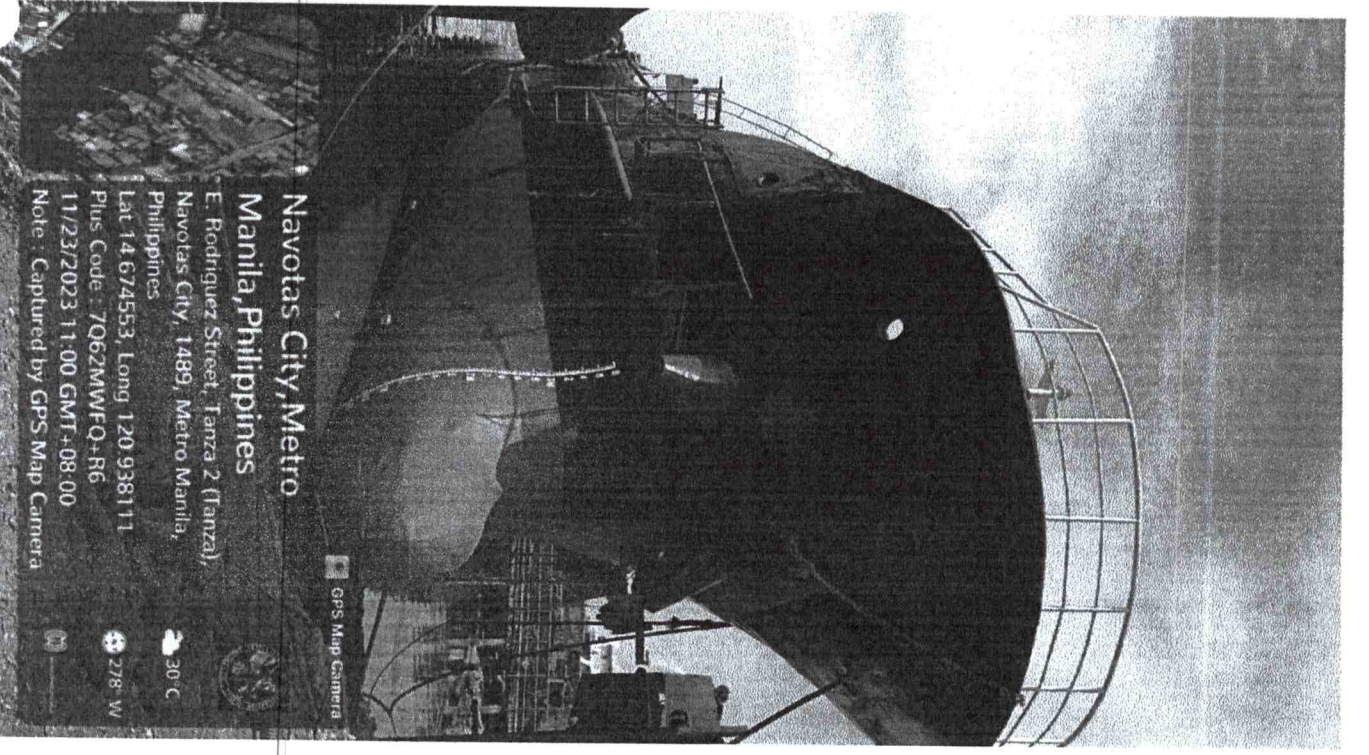
IIA 0195759



Navotas City, Metro
Manila, Philippines
E. Rodriguez Street, Tanza 2 (Tanza),
Navotas City, 1489, Metro Manila,
Philippines
Lat 14.674624, Long 120.938198
Plus Code : 7062MWFO+R7
11/23/2023 11:00 GMT+08:00
Note : Captured by GPS Map Camera

GPS Map Camera

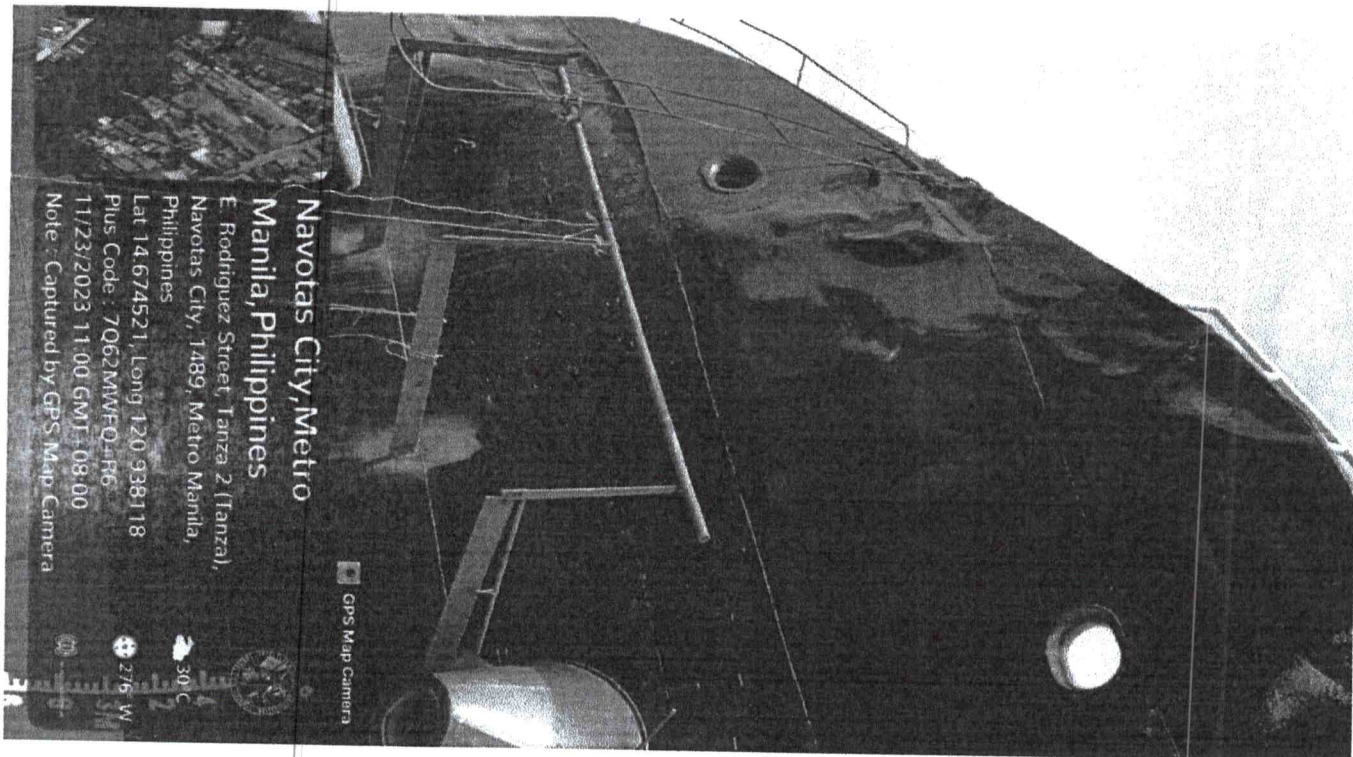
30° C
257° W



Navotas City, Metro
Manila, Philippines
E. Rodriguez Street, Tanza 2 (Tanza),
Navotas City, 1489, Metro Manila,
Philippines
Lat 14.674553, Long 120.938111
Plus Code : 7062MWFO+R6
11/23/2023 11:00 GMT+08:00
Note : Captured by GPS Map Camera

GPS Map Camera

30° C
278° W



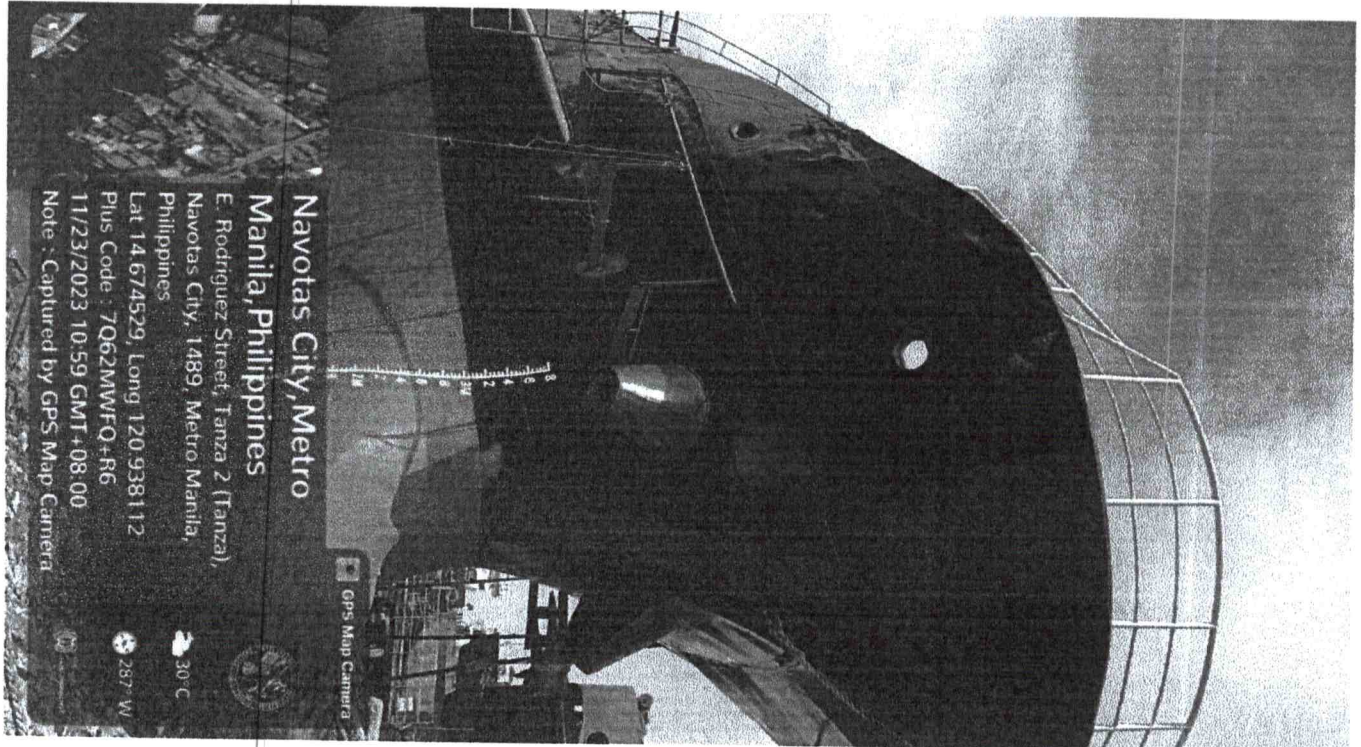
Navotas City, Metro

Manila, Philippines

E. Rodriguez Street, Tanza 2 (Tanza),
Navotas City, 1489, Metro Manila,
Philippines
Lat 14.674521, Long 120.938118
Plus Code : 7Q62MWFQ+R6
11/23/2023 11:00 GMT+08:00
Note : Captured by GPS Map Camera

GPS Map Camera

30° C
276 W



Navotas City, Metro

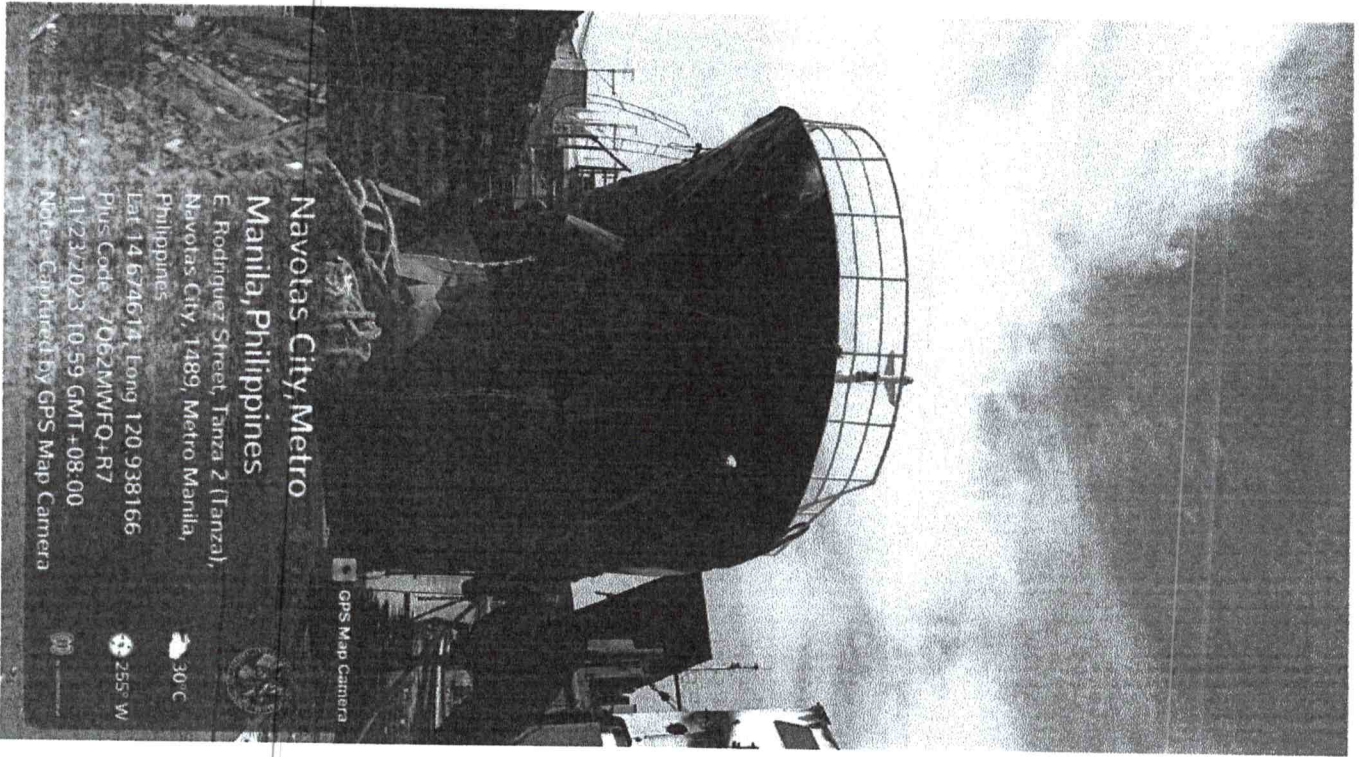
Manila, Philippines

E. Rodriguez Street, Tanza 2 (Tanza),
Navotas City, 1489, Metro Manila,
Philippines
Lat 14.674529, Long 120.938112
Plus Code : 7Q62MWFQ+R6
11/23/2023 10:59 GMT+08:00
Note : Captured by GPS Map Camera

GPS Map Camera

30° C
287 W





**Navotas City, Metro
Manila, Philippines**

E. Rodriguez Street, Tanza 2 (Tanza),
Navotas City, 1489, Metro Manila,
Philippines
Lat: 14.674614 Long: 120.938166
Plus Code: 7062MWFQ+R7
11237023 10:59 GMT+08:00
Note: Captured by GPS Map Camera

GPS Map Camera

30°C

255° W

