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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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MEMORANDUM : **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 AND WARRANT OF SEIZURE AND
DETENTION (WSD)**

DATE : **08 NOVEMBER 2023**

This refers to the herein attached Decision of Forfeiture and Warrant of Seizure and Detention (WSD):

1. **SEIZURE IDENTIFICATION NO. 105-2023 (NAIA):** Shipment of Fifteen (15) reams of Cigarettes brought in by incoming Korean Passenger **JONGGO KIM**;
2. **SEIZURE IDENTIFICATION NO. 106-2023 (NAIA):** Shipment of Three Hundred Three Thousand Pesos (Php303,000.00) intercepted from incoming passengers **HUANG-CHUNG SU**;
3. **SEIZURE IDENTIFICATION NO. 108-2023 (NAIA):** Shipment of One (1) Sack of Assorted Food Supplements, Cosmetics and Medicines brought in by incoming Thai passenger **PHONGPON ANURAKSAP**;
4. **SEIZURE IDENTIFICATION NO. 113-2023 (NAIA):** Shipment of Seven (7) units Mobile Phones brought in by **JASON WIDJAJA**; and
5. **SEIZURE IDENTIFICATION NO. 114-2023 (NAIA):** Shipment of Three (3) units of Riflescope brought in by **ANTONIO JR ANGELES MARCELO**;

As the aforementioned passengers/claimants have indicated insufficient addresses in the Philippines, the WSDs 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 Nos. 105-2023 (NAIA), 106-2023 (NAIA), 108-2023 (NAIA), 113-2023 (NAIA) and 114-2023 (NAIA), respectively, 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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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 114-2023 (NAIA)

-versus-

Three (3) units of Riflescope brought in by **ANTONIO JR ANGELES MARCELO** on 23 July 2023 and held in custody at the In-Bond Section, Baggage Assistance Division, this Port, under Held Baggage Receipt No. 00100003442.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the above-described Three (3) units of Riflescope were brought in by one Antonio Jr. Angeles Marcelo, a male American Citizen and holder of USA Passport No. 523298939, who arrived at NAIA Terminal 1 on 23 July 2023 on board flight PR 113 from United States of America.

WHEREAS, passenger Marcelo's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by XIP Operator Mj Ludasan, who then referred the passenger to Customs Examiner Meagan P. Morales for verification of the contents of his checked-in baggage.

WHEREAS, before conducting the actual examination, Customs Examiner Morales asked passenger Marcelo if he has anything to declare or if he has already accomplished a Customs Baggage Declaration Form (CBDF) to which he replied in the affirmative. The passenger answered "no" to all items indicated in the General Declaration in page 3 of the CBDF, except for item no. 6.

WHEREAS, the physical examination conducted by Customs Examiner Morales led to the discovery of three (3) units of Riflescope with an estimated value of Six thousand Pesos (PHP 6,000.00). Customs Examiner Morales asked the passenger if he had an Import Permit from the PNP-FEO for the subject Riflescopes to which he answered in the negative. Consequently, the subject items were taken out from his baggage and turned them over to the In-Bond Room for custody and safekeeping under Held Baggage Receipt No. 00100003442.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 04 August 2023, Customs Examiner Morales and Flight Supervisor Diaz reported their findings to the District Collector, thru the Chief, Arrival Operations Division, and the Acting Deputy Collector for Passenger Service, this Port, and recommended that the subject Riflescopes be withheld and kept in-bond for safekeeping for lack of Import Permit/Clearance from the PNP-FEO.

WHEREAS, in a Memorandum dated 16 October 2023 addressed to the Acting Chief, Law Division, the Chief, Baggage Assistance Division, with concurrence of Mr. the Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject Riflescopes covered by Held



Baggage Receipt No. 00100003442 for lack of Import Permit/Clearance from the Philippine National Police-Firearms and Explosives Office (PNP-FEO).

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules, and regulations, the District Collector, this Port, finds probable cause for the issuance of Warrant of Seizure and Detention(WSD) against the subject Riflescopes for violation of Republic Act 10591, otherwise known as the Comprehensive Firearms and Ammunitions Regulation Act", and Section 1113 (f) in relation to Section 119 (a) of the Customs Modernization and Tariff Act (CMTA).

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 Three (3) units of Rifle scope brought in by **ANTONIO JR ANGELES MARCELO**, for violation of Republic Act No. 10591, otherwise known as the Comprehensive Firearms and Ammunition Regulation Act, and Section 119 (a) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), to be turned over to the Auction and Cargo Disposal Division, this Port, for inventory, classification, and valuation of goods pursuant to Section 1120 of the CMTA, and for custody and safekeeping pursuant to CAO No. 10-2020, pending the resolution of the seizure case or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order 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, *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, 24 October 2023.


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

Law/wady/eyllV





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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06 November 2023

MR. ANTONIO JR. ANGELES MARCELO
No given address

Subject : Seizure Identification No. 114-2023 (NAIA)
Republic of the Philippines vs Three (3) units of Riflescope brought in by **ANTONIO JR ANGELES MARCELO** on 23 July 2023 and held in custody at the In-Bond Section, Baggage Assistance Division, this Port, under Held Baggage Receipt No. 00100003442

Dear **Mr. Angeles**

This refers to the shipment which is covered by Seizure Identification No. 114-2023 (NAIA) issued on October 24, 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. TEODOLFO MARTIN S. YERRO IV
Officer-on-Case





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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 113-2023 (NAIA)

-versus-

Seven (7) units of Mobile Phones brought in by **JASON WIDJAJA** on 20 August 2023 and held in custody at the In-Bond Section, Baggage Assistance Division, this Port, under Held Baggage Receipt No. 00100003992.

x-----x

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the above-described Seven (7) units of Mobile Phones were brought in by one Jason Widjaja, a male Indonesian Citizen and holder of Passport No. C7182751, who arrived at NAIA Terminal 3 on 20 August 2023 on board flight AK584 from Indonesia.

WHEREAS, passenger Widjaja's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by XIP Operator Paul Lodea, who then referred the passenger to Customs Examiner Meagan P. Morales for verification of the contents of his checked-in baggage.

WHEREAS, before conducting the actual examination, Customs Examiner Morales asked passenger Widjaja if he has anything to declare or if he has already accomplished a Customs Baggage Declaration Form (CBDF) to which he replied in the affirmative. The passenger answered "no" to all items indicated in the General Declaration in page 3 of the CBDF, except for item no. 9.

WHEREAS, the physical examination conducted by Customs Examiner Morales led to the discovery of Seven (7) units of Mobile Phones with an estimated value of Seventy thousand Pesos (PHP 70,000.00). Customs Examiner Morales asked the passenger if he has an Import Permit/Clearance from the National Telecommunications Commission(NTC) for the subject Mobile Phones to which he answered in the negative. Consequently, the subject items were taken out from his baggage and turned them over to the In-Bond Room for custody and safekeeping under Held Baggage Receipt No. 00100003992.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 25 August 2023, Customs Examiner Morales and Flight Supervisor Guerrero reported their findings to the District Collector, thru Atty. Danilo M. Campos, Chief, Arrival Operations Division, and Norsalem Raymond M. Mama-O, Acting Deputy Collector for Passenger Service, this Port, and recommended that the subject Mobile Phones be withheld and kept in-bond for safekeeping for lack of Import Permit/Clearance from the National Telecommunications Commission (NTC).



WHEREAS, in a Memorandum dated 16 October 2023 addressed to the Acting Chief, Law Division, the Chief, Baggage Assistance Division with the concurrence of the Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the Seven (7) Mobile Phones covered by Held Baggage Receipt No. 00100003992 for lack of National Telecommunications Commission(NTC) Import Permit/Clearance.

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules, and regulations, the District Collector, this Port, finds probable cause for the issuance of Warrant of Seizure and Detention against the subject Seven (7) Mobile Phones for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and applicable NTC laws, rules, and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject Seven (7) Mobile Phones brought in by **JASON WIDJAJA** for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case before the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order 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, *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, 24 October 2023.

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

Law/wady/ey/IV





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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06 November 2023

MR. JASON WIDJAJA

No given address

Subject : Seizure Identification No. 113-2023 (NAIA)

Republic of the Philippines vs Seven (7) units Mobile Phones brought in by JASON WIDJAJA on 20 August 2023 and held in custody at the In-Bond Section, Baggage Assistance Division, this Port, under Held Baggage Receipt No. 00100003992

Dear **Mr. Jason Widjaja**

This refers to the shipment which is covered by Seizure Identification No. 113-2023 (NAIA) issued on October 24, 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. TEODOLFO MARTIN S. YERRO IV
Officer-on-Case





REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 108-2023 (NAIA)

-versus-

One (1) Sack of Assorted Food Supplements, Cosmetics and Medicines brought in by incoming Thai Passenger **PHONGPON ANURAKSAP** from Thailand who arrived on 29 July 2023 at NAIA Terminal 3.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described One (1) Sack of Assorted Food Supplements, Cosmetics and Medicines for violation of Section 118 (g) and 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711.

The antecedent facts of the instant case are as follows:

1. The above-described articles were brought in by Passenger Phongpon Anuraksap with Passport No. AC4947233 who arrived at the Ninoy Aquino International Airport on 29 July 2023 on board Flight No. 5J934 from Thailand;
2. His checked-in baggage underwent non-intrusive inspection and was marked "X" by XIP Officer Christopher Asuncion, and consequently referred to Customs Examiner Maegan P. Morales for physical examination.
3. Before conducting physical examination, Customs Examiner Morales asked passenger Anuraksap to submit his filled-up Customs Baggage Declaration Form (CBDF). It was noted that the said passenger ticked "No" to all items in the General Declaration indicated in page 3 of the CBDF except for item no. The passenger was then asked if he had anything to declare to which he replied in the affirmative.
4. Immediately thereafter, Examiner Morales conducted physical examination on the subject baggage and yielded to the discovery of one (1) sack of assorted food supplements, cosmetics, and medicines with an estimated value of Ten Thousand Pesos (Php10,000.00) and weight of 16.86kgs.
5. For failure to present the necessary Permit/Clearance from the Food and Drug Administration (FDA), Held Baggage Receipt No. 00100003835 was issued to passenger Anuraksap and the confiscated articles were turned-over to Jonathan Mesa of the In-bond Unit, Baggage Assistance Division.
6. In a Memorandum dated 04 August 2023 for the District Collector, Customs Examiner Maegan P. Morales and Flight Supervisor Patrick G. Guerrero, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, and Acting Deputy Collector for Passenger Service Norsalem Raymond M. Mama-o, submitted their Incident Report and recommended for the presentation of Food and Drug Administration Import Permit of the subject articles.

7. In a Memorandum dated 16 October 2023, Robert A. Quintana, Chief, Baggage Assistance Division, thru Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of Import Permit/Clearance from the Food and Drug Administration (FDA);

DISCUSSION:

As culled from the records of the instant case, the subject shipment of One (1) Sack of Assorted Food Supplements, Cosmetics and Medicines brought in by incoming Thai Passenger PHONGPON ANURAKSAP without license, permit/clearance nor authorization from the FDA as required in Section 10 of RA No. 9711 or the Food and Drug Administration (FDA) Act of 2009 which states that:

“Section 10. Section 11, subsections (a), (b), (d), (g), (j), (k) and (l) of Republic Act No. 3720, as amended, are hereby further amended to read as follows:

“SEC. 11. The following acts and the causing thereof are hereby prohibited:

xxx

- (k) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, or retail of any drug, device or in-vitro diagnostic reagent; the manufacture, importation, exportation, transfer or distribution of any food, cosmetic or household/urban hazardous substance; or the operation of a radiation or pest control establishment by any natural or juridical person **without the license to operate from the FDA required under this Act.**”

Relatively, Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009 expressly prohibits such importation, to wit:

“Section 1. General Provisions.

1. The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship **of any health product without the proper authorization from the FDA is prohibited.**
2. The manufacture, **importation**, exportation sale, offering for sale, distribution transfer, or retail of any drug or device; the manufacture, importation, exportation transfer or distribution of any food, cosmetics, household hazardous substances or urban pesticides; or the operation of a radiation facility or pest control establishment **without the appropriate authorization from the FDA is prohibited.**”

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."

"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:

x x x

x x x

(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 subject One (1) Sack of Assorted Food Supplements, Cosmetics and Medicines brought in by incoming Thai Passenger **PHONGPON ANURAKSAP** 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 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009, to be turned over the same to the Auction and Cargo Disposal Division (ACDD) for custody and safekeeping and for final disposition thereof CAO No. 10-2020 bearing the subject "Seizure and Forfeiture 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 on 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, 24 October 2023.


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

Wdy/law/ham



REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 106-2023 (NAIA)

-versus-

Three Hundred Three Thousand Pesos (Php303,000.00) intercepted from incoming passengers **HUANG-CHUNG SU** on 24 September 2023.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, passenger Huang-Chung Su arrived at the Ninoy Aquino International Airport (NAIA) Terminal I on 24 September 2023 on board Philippine Airlines Flight CI 711 from Taiwan.

WHEREAS, while already on the lane, passenger Huang-Chung Su approached Customs Examiner Maegan P. Morales at the Customs counter to declare Philippine Notes.

WHEREAS, COO III Morales in turn asked the passenger if he had accomplished a Customs Baggage Declaration Form (CBDF). Passenger responded in the affirmative and simultaneously handed his passport and the accomplished CBDF.

WHEREAS, upon going-over the CBDF, it was noted that passenger ticked "Yes" to item no. 1 of page 3 which pertains to the declaration of Philippine Currency in excess of Fifty Thousand Pesos (Php50,000.00).

WHEREAS, he was then handed a Currency Declaration Form (CDF) for him to fill out, and upon submission, it was noted that he declared the amount of Three Hundred Three Thousand Pesos (Php303,000.00).

WHEREAS, examiner then verified and asked if the amount stated in the CDF was at hand, to which he answered in the affirmative. Examiner Morales then asked if he had prior written authorization from the Bangko Sentral ng Pilipinas to which he responded in the negative.

WHEREAS, consequently, it was explained to passenger Huang-Chung Su 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, subsequently, examiner Morales informed her supervisor about the matter who in turn directed her to conduct physical count using the money counting machine inside the exclusion room in the presence of the passenger and ESS operatives as witnesses. A print-out of all the serial numbers of all the Philippine Currency was generated from the counting machine and was attached to the CDF.

WHEREAS, the physical count yielded in the discovery of Three Hundred Three (353) pieces of One Thousand-Philippine Peso bill amounting to Three Hundred Fifty-Three Thousand Pesos (Php353,000.00).

WHEREAS, the amount of Fifty Thousand Pesos (Php 50,000.00) was returned to passenger and the remaining Three Hundred Three Thousand Pesos (PHP303,000.00) 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 Three Hundred Three Thousand Pesos (Php303,000.00) was done in the presence of passenger and witnessed by Nonette J. Briones, ESS Operatives at NAIA Terminal 1 under the supervision of Flight Supervisor Patrick G. Guerrero.

WHEREAS, Held Baggage Receipt No. 00100004308 was issued to passenger and the confiscated Philippine Notes were then turned over to Jonathan Mesa of the In-bond Unit Baggage Assistance Division for safekeeping.

WHEREAS, on 16 October 2023, the Law Division, this Port, received a Memorandum-Report dated 26 September 2023 of Customs Examiner Maegan P. Morales and Flight Supervisor Patrick G. Guerrero, 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 Three Hundred Three Thousand Pesos (Php303,000.00) for violation of Section 117 of the Customs Modernization and Tariff Act- Regulated Importation and Exportation; and BSP Circular No. 1146 series, Series of 2022-Amendments to the Rules on Cross Border Transfer of Local and Foreign Currencies;

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.

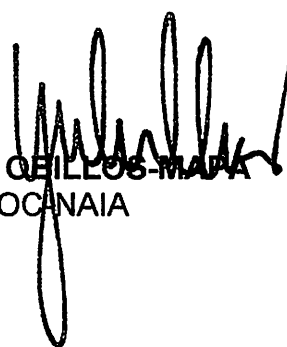
Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex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

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the **Three Hundred Three Thousand Pesos (Php303,000.000)** intercepted from incoming passenger **HUANG-CHUNG SU** 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); to be held at the Collection Division, this Port, for custody and safekeeping pursuant to CAO No. 10-2020 pending resolution of the instant seizure and forfeiture case, or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order 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, *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, 24 October 2023.


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

Wdy/law/ham



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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06 November 2023

MR. HUANG-CHUNG SU
Shang Salcedo

Subject : Seizure Identification No. 106-2023 (NAIA)
Republic of the Philippines vs Three Hundred Three Thousand
Pesos (Php303,000.00) intercepted from incoming passengers
HUANG-CHUNG SU on 24 September 2023

Dear **Mr. Huang-Chung Su**

This refers to the shipment which is covered by Seizure Identification No. 106-2023 (NAIA) issued on October 24, 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, Mánila, 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,

For: 

ATTY. HYACINTH A. MIRANDA
Officer-on-Case





2024 946 968

REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 105-2023 (NAIA)

-versus-

Fifteen (15) reams of Cigarettes brought in by incoming Korean Passenger **JONGGO KIM** from South Korea who arrived on 08 July 2023 at NAIA Terminal 1

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, fifteen (15) reams of Cigarettes were brought into the country by passenger Jonggo Kim, a Korean national and holder of Passport No. M90792333, who arrived on 08 July 2023 at NAIA Terminal 1 on PR 469 from South Korea.

WHEREAS, after passing through the x-ray scanning of baggage from said flight, the checked-in baggage of passenger Kim was marked with "X" by the XIP Officer Paul Lodea who then referred the passenger to Customs Examiner Maegan P. Morales for physical examination of his baggage.

WHEREAS, before conducting an actual examination of the subject baggage, Customs Examiner Morales asked passenger Kim if he was able to accomplish a Customs Baggage Declaration Form (CBDF) and/or if he has anything to declare. When he submitted his CBDF, it was noted that he ticked "No" to all items in the General Declaration indicated in page 3 of the CBDF except for item number 7. Passenger Kim asked if he had anything to declare to which he replied in the affirmative.

WHEREAS, Customs Examiner Morales then conducted actual examination of passenger Kim's baggage which yielded to the discovery of fifteen (15) boxes of Raison Brand French Black cigarettes with a total value of Five Hundred US Dollars (USD500.00).

WHEREAS, for failure to provide the necessary Permit from the National Tobacco Administration (NTA), the fifteen (15) reams of cigarettes were then held in-bond and turned-over to Annaliza Reyes, In-Bond Unit, Baggage Assistance Division, and Held Baggage Receipt No.00100003273 was issued to passenger Kim.

WHEREAS, in a Memorandum dated 15 July 2023, Customs Examiner Maegan P. Morales and Flight Supervisor Gaylord Ventura, thru Atty. Danilo M. Campos, Jr. Chief, Arrival Operations Division, and Norsalem Raymond M. Mamao, Acting Deputy Collector for Operation, reported their findings and recommended that the cigarettes be held in custody at the In Bond Room pending the submission of the required NTA Permit by passenger Kim.

WHEREAS, in a Memorandum dated 16 October 2023, Robert A. Quintana, Chief, Baggage Assistance Division, thru Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of Import Permit/Clearance from the National Tobacco Administration (NTA).

WHEREAS, on this score, NTA Memorandum Circular No. 03, series of 2004, paragraph (f) thereof provides:

"Pursuant to the action taken by the Bureau of Internal Revenue (BIR) in the request for participation of the National Tobacco Administration (NTA) in the approval and/or issuance of ATRIG, please be informed that this Agency shall now require all importers of tobacco, tobacco products and

other tobacco related supplies, materials and ingredients to first secure Import Commodity Clearance from the NTA.

Further, please be informed and clarified that the affected imported commodities shall include, but not limited to, the following classification, to wit:

X X X

F. Cigarettes and cigar ingredients, e.g. tobacco essences and extracts, tobacco lyes and tobacco sauces/flavourings, tobacco flour and tobacco powder and the likes.”

WHEREAS, Customs Memorandum Circular No. 21-2020 circulating NTA Memorandum Circular No. 003 states that:

“Section 1. Tobacco commodities, other tobacco related materials, ingredients and spare parts, e-cigarettes and e-juices are exempted from the filing of commodity clearance for the following volume of net weight, for personal consumption, to wit:

- a. Cigarettes – not exceeding 5 reams (50 packs) per passenger

X X X

Section 2. In excess of the above quantities, the concerned exporter/importer/transshipper shall be required to secure the necessary ECC/ICC/TCC from the NTA.”

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 subject (15) reams of Cigarettes brought in by passenger **JONGGO KIM**, for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and Republic Act 9211 otherwise known as the Tobacco Regulation Act of 2003, as implemented by NTA Memorandum Circular No. 002, series of 2020, and other applicable NTA laws, rules and regulations, to be turned over to the Auction and Cargo Disposal Division (ACDD), this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, custody and safekeeping pursuant to CAO No. 10-2020 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, 24 October 2023.

ATTY. MARIA YASMIN M. OPILES-MAPIA
District Collector, BOC-NAIA

Wdy/law/ham



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

06 November 2023

MR. JONGGO KIM
Puerto Gallera

Subject : Seizure Identification No. 105-2023 (NAIA)
Republic of the Philippines vs Fifteen (15) reams of Cigarettes
brought in by incoming Korean Passenger **JONGGO KIM** from
South Korea who arrived on 08 July 2023 at NAIA Terminal 1

Dear **Mr. Jonggo Kim**

This refers to the shipment which is covered by Seizure Identification No. 105-2023 (NAIA) issued on October 24, 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

