



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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BOC-28-005489

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
WARRANT OF SEIZURE AND DETENTION (WSD)**

DATE : **04 MARCH 2024**

This refers to the herein attached **Warrant of Seizure and Detention (WSD) No. 006-2024 (NAIA)**: Republic of the Philippines vs. Two Million Eight Hundred Seventy-One Japanese Yen (JPY2,871,000.00) intercepted from incoming passenger **TAKAHIDE KIMURA** on 20 February 2024.

As the aforementioned passenger/claimant have indicated insufficient address in the Philippines, the WSD 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.

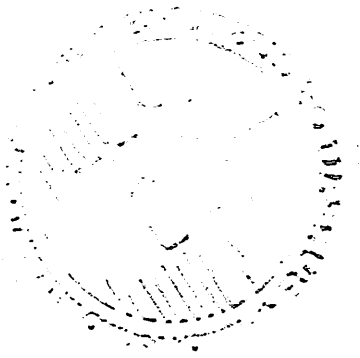
If the owner is unknown, with insufficient address, or a foreign entity or individual, service shall be effected by posting of the WSD by the ESS in the bulletin board of the concerned collection district office, **and by electronic posting through the BOC website, or printed publication, for fifteen (15) days.**

In view of the foregoing, this Office respectfully requests that the copy of the Warrant of Seizure and Detention (WSD) No. 006-2024 (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.



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04 March 2024

TAKAHIDE KIMURA
Makati Palace Hotel

Subject : Seizure Identification No. 006-2024 (NAIA)
Republic of the Philippines vs Two Million Eight Hundred Seventy-One Japanese Yen (JPY2,871,000.00) intercepted from incoming passenger **TAKAHIDE KIMURA** on 20 February 2024

This refers to the shipment which is covered by Seizure Identification No. 006-2024 (NAIA) issued on March 4, 2024 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.

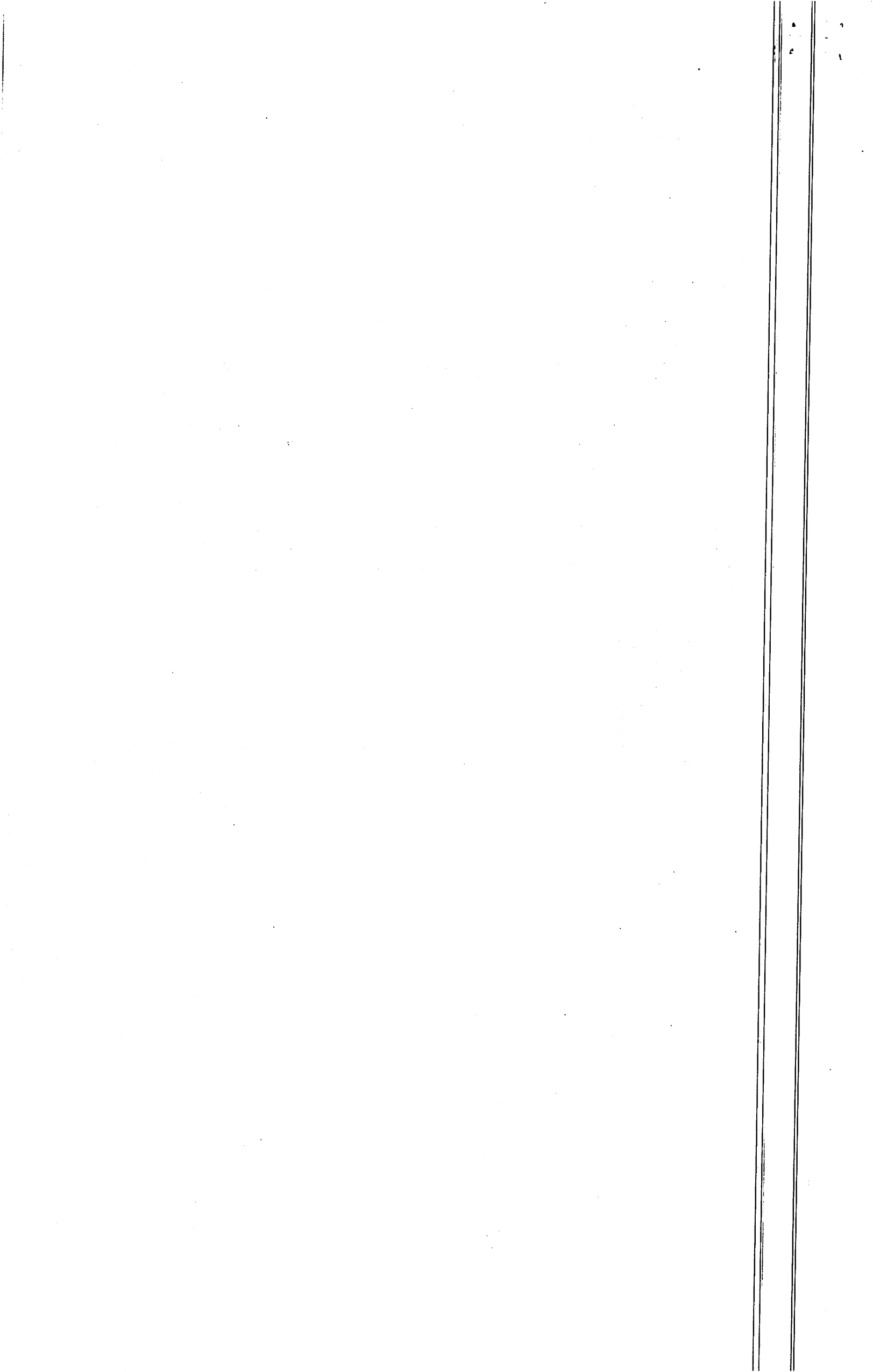
For inquiries, kindly contact us at Telephone No. (02) 8831-3421 or send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,


ATTY. HYACINTH A. MIRANDA
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 006-2024 (NAIA)

-versus-

Two Million Eight Hundred Seventy-One Japanese Yen (JPY 2,871,000.00) intercepted from incoming passengers **TAKAHIDE KIMURA** on 20 February 2024.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, Passenger Takahide Kimura, a Japanese National and holder of Passport No. TT2317525, arrived at the Ninoy Aquino International Airport (NAIA) Terminal 1 on 20 February 2024 on board Philippine Airlines Flight ZIPAIR ZG095 from Tokyo, Japan.

WHEREAS, during a routine x-ray screening of the hand-carried bag of Passenger Kimura, images were generated on what appear to be currencies, and hence, was tagged for verification.

WHEREAS, the subject hand-carried bag was assigned to Customs Examiner Jeinallem G. Go for physical examination.

WHEREAS, before conducting the physical examination, COO III Go noticed that the Customs Baggage Declaration of Passenger Kimura filed through the e-Travel Customs System reflected no declaration relative to the question of bringing in of foreign currency and/or foreign monetary instrument in excess of \$10,000.00 or its equivalent. Examiner Go even asked passenger Kimura if he had anything to declare to which he replied "No".

WHEREAS, Examiner Go then proceeded with the initial physical examination of the passenger's hand carried bag, which resulted to the discovery of bundles of Japanese Yen.

WHEREAS, to avoid unnecessary attention from other arriving passenger, the conduct of the examination was continued in the Customs Exclusion Room, and in the presence of the Enforcement and Security Service (ESS), Customs Intelligence and Investigation Service (CIIS), and X-Ray Inspection Project.

WHEREAS, the actual counting was done using the money counting machine and yielded the total amount of JPY4,375, 000.00.

WHEREAS, Held Baggage Receipt No. 00100005466 was issued for the Two Million Eight Hundred Seventy One Japanese Yen (JPY 2,871,000.00), the amount in



excess of the equivalent amount of USD10,000.00 which is the allowable amount without declaration for incoming passengers.

WHEREAS, on 23 February 2024, the Law Division, this Port, received an Incident Report dated 21 February 2024 of Sanny Lyn D. Fernandez, XIP Inspector.

WHEREAS, likewise, on even date, the Customs Police District also submitted a Memorandum to the District Collector relative to the apprehension of passenger Kimura.

WHEREAS, after careful evaluation of the documents submitted and applicable customs laws, rules and regulations, there is probable cause for the issuance of Warrant of Seizure and Detention against the subject Two Million Eight Hundred Seventy One Japanese Yen (JPY 2,871,000.00) for violation of Section 4 of Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 8 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022) and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act), in relation to Section 1113 (I-2) and Section 117 of the Customs Modernization and Tariff Act, which provide:

Section 4 of the Manual of Regulations on Foreign Exchange Transactions Updated as of May 2023 provides:

“Foreign Currency. Any person, who brings into or takes out of the Philippines foreign currency, as well as other foreign currency-denominated bearer monetary instruments, in excess of USD10,000 or its equivalent is required to declare the whole amount brought into or taken out of the Philippines using the prescribed Currencies Declaration Form.”

SEC. 1113. Property Subject to Seizure and Forfeiture. –
Property that shall be subject to seizure and forfeiture include:

xxx

(1) Goods sought to be imported or exported:

xxx

(2) Found in the baggage of a person arriving from abroad and undeclared by such person;

xxx

SEC. 117. Regulated Importation and Exportation. – Goods which are subject to regulation shall be imported or exported only after securing the necessary goods declaration or export declaration, clearances, licenses, and any other requirements, prior to importation or exportation. In case of importation, submission of requirements after arrival of the goods but prior to release from customs custody shall be allowed but only in cases provided for by governing laws or regulations.



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 Two Million Eight Hundred Seventy One Japanese Yen (JPY 2,871,000.00) intercepted from incoming passenger **TAKAHIDE KIMURA** for violation of Section 4 of Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 8 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022) and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act), in relation to Section 1113 (I-2) and Section 117 of the Customs Modernization and Tariff Act, to be held by 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 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, ~~February~~ **MAR 04 2024** 2024.


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

Wdy/law/ham



