




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-MAPAY**
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 : **29 APRIL 2024**

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

- 1. SEIZURE IDENTIFICATION NO. 042-2024 (NAIA):** Republic of the Philippines vs. Three Hundred Eleven (311) pieces of Assorted Skin Care Products which were brought in by **THI THU HANH TRAN** on 08 January 2024 and held in custody at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt (HBR) No. 00100005354;
- 2. SEIZURE IDENTIFICATION NO. 043-2024 (NAIA):** Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos (Php250,000.00) in Php1,000 denomination, brought in by incoming passenger **SURKCHON SIN** on 29 March 2024, under Held Baggage Receipt No. 00100007299;
- 3. SEIZURE IDENTIFICATION NO. 044-2024 (NAIA):** Republic of the Philippines vs. Thirty -six (36) units E-Cigarettes brought in by one **JIAN ZHONG**, a Chinese traveler, who arrived at NAIA Terminal 1 on 23 March 2024;
- 4. SEIZURE IDENTIFICATION NO. 045-2024 (NAIA):** Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos (Php250,000.00) in Php1,000 denomination, brought in by incoming passenger **YONG HO SHIN** on 03 April 2024; and
- 5. SEIZURE IDENTIFICATION NO. 046-2024 (NAIA):** Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos (Php250,000.00) Philippine Currency seized from incoming passenger **HOANG THANH BINH**, a Vietnamese national and holder of Passport No. P03282916.



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 and WSD on Seizure Identification Nos. 042-2024 (NAIA), 043-2024 (NAIA), 044-2024 (NAIA), 045-2024 (NAIA) and 046-2024 (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.





REPUBLIC OF THE PHILIPPINES
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REPUBLIC OF THE PHILIPPINES

- versus -

SEIZURE IDENTIFICATION
NO. 042-2024 (NAIA)

Three Hundred Eleven (311) pieces of Assorted Skin Care Products which were brought in by **THI THU HANH TRAN** on 08 January 2024 and held in custody at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt (HBR) No. 00100005354

X-----X

NOTICE OF DECISION

TO: MR. THI THU NANH TRAN
Cebu Maximo Building

MR. ROBERTO A. QUINTANA
Chief
Auction & Cargo Disposal Division
BOC-NAIA

MS. WILNORA L. CAWILE
Deputy Collector for Operations
BOC-NAIA

MR. NORSALEM RAYMOND M. MAMA-O
Deputy Collector for Passenger Service
BOC NAIA

The Government Prosecutor
Prosecution and Litigation Division
Legal Service, Bureau of Customs

NOTICE is hereby given that the District Collector, this Port, issued a Decision dated April 29, 2024, ordering the forfeiture of the subject shipment in favor of the government. A copy of the said Decision is hereto attached for information.

Issued this 29th day of April 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division

ATTY. EMILIO V. LEGASPI IV
Hearing Officer

*Encl.: As stated
Law/wdyeyl*



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 042-2024 (NAIA)

-versus-

Three Hundred Eleven (311) pieces of Assorted Skin Care Products which were brought in by **THI THU HANH TRAN** on 08 January 2024 and held in custody at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt (HBR) No. 00100005354.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above described Three Hundred Eleven (311) pieces of Assorted Skin Care Products for violation of Section 118 (g) and 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order No. 10-2020, 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.

A perusal of the records of the instant case shows the following antecedents:

1. The assorted skin care cosmetic products were brought in by incoming passenger Thi Thu Hanh Tran, a Vietnamese national and holder of Passport No. E01254342, who arrived at the Ninoy Aquino International Airport Terminal 1 on 08 January 2024 on board Philippine Airlines Flight PR596 from Vietnam.
2. The check-in baggage of passenger Tran was marked "X" by XIP Operator on duty John Leonard Taytay, and she was referred to Mr. Kyle Christian U. Vioria, Customs Examiner, for physical examination.
3. Before conducting the physical examination, Customs Examiner Vioria asked passenger Tran to submit her accomplished Customs Baggage Declaration Form (CBDF) and passenger Tran answered "No" to all the items on page 3 thereof, except for Item No. 4 referring to "Cosmetics, skin care products x x x in excess of quantities for personal use".
4. Customs Examiner Vioria conducted an actual physical examination of the luggage of passenger Tran which yielded the following:

30	Neuramis Deep (Lidocaine) - Black
10	Neuramis Volume (Lidocaine) - Gold
30	Neuramis (Lidocaine) - Silver
10	Sardenya Fine with Lidocaine
10	Sardenya Deep with Lidocaine
5	Royal Premium Family
2	Lisanolana



2 Tranacix
3 M-Cain Cream Gloria
209 Gloria

5. After the discovery of the above-enumerated articles, Customs Examiner Viloría explained to Passenger Tran that importation of skin care products should be covered by a prior Import Permit or Clearance from the Food and Drug Administration (FDA) before they could be released. Passenger Tran was also asked to submit an Invoice for the said skin care products, which she failed to do so. Thus, Customs Examiner Viloría withheld the release of the said articles and issued Held Baggage Receipt No. 00100005454 for the custody of the same pending the submission of the required Import Permit or Clearance from the FDA. Thereafter, the assorted skin care products were turned over to the In Bond Section, Baggage Assistance Division, for safekeeping.
6. In a Memorandum dated 25 January 2024, Customs Examiner Kyle Christian U. Viloría and Acting Flight Supervisor Jennifer Ivy M. Orbeta, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, recommended to the District Collector of the need for the presentation of the required Import Permit/Clearance from the Food and Drug Administration, and of proof of payment as basis for the computation of duties and taxes to be paid by passenger before the said articles can be released.
7. In a Memorandum for the Acting Chief, Law Division, this Port, dated 25 March 2024, the Baggage Assistance Division, recommended that the subject articles be issued a Warrant of Seizure and Detention for lack of FDA Import Clearance in violation of Republic Act 9711 or the Food and Drug Administration (FDA) Act of 2009.

DISCUSSION:

As culled from the records of the instant case, Passenger Thi Thu Hanh Tran brought into the country the Three Hundred Eleven (311) pieces of Assorted Skin Care Products 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), is 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.

WHEREAS, 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 Three Hundred Eleven (311) pieces of Assorted Skin Care Products brought by consigned to **THI THU HANH TRAN** are 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 to the regulatory agency for final disposition thereof pursuant to 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 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, APR 29 2024 April 2024.


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

Law/wady/eylIV





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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 043-2024 (NAIA)

-versus-

Two Hundred Fifty Thousand Pesos (Php250,000.00) in Php1,000 denomination, brought in by incoming passenger **SURKCHON SIN** on 29 March 2024, under Held Baggage Receipt No. 00100007299

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 29 March 2024, Surkchon Sin, a male Korean traveler and holder of Passport No. M212K1505, arrived at the Ninoy Aquino International Airport Terminal 1 on board PR 467 from Incheon, Korea.

WHEREAS, passenger Surkchon Sin underwent the routine non-intrusive examination by XIP Inspector On-Duty, SAI Mohamad Jonaid Udasan, and was referred to Customs Examiner Sheila May Asis for physical inspection of his hand carried luggage for verification. Before conducting an actual examination, the Customs Examiner asked the passenger if he had completed his Customs Baggage Declaration Form (CBDF). Passenger Sin submitted his duly accomplished CBDF and answered "No" to all the items, except for item No. 1 which pertains to the Philippine Currency of more than Php50,000.00. Moreover, Customs Examiner Asis asked the passenger if he had Philippine Currency in excess of the allowable amount of Php50,000.00 to which the latter answered in the affirmative, and thus, required him to accomplish the Currency Declaration Form.

WHEREAS, the examination yielded in the amount of Three Hundred Thousand Pesos (Php300,000.00). The Customs Examiner explained to Passenger Surkchon Sin that Philippine Currency in excess of the allowed limit of Fifty Thousand Pesos (Php50,000.00) requires a prior authorization from the Bangko Sentral ng Pilipinas (BSP).

WHEREAS, Customs Examiner Asis proceeded with the actual counting of the Philippine Currency in the presence of Surkchon Sin and was witnessed by ESS SA II Joseph Soriano, CIIS Agent Alejandro Trespeces, and Flight Supervisor Felipe Maria T. Regencia.

WHEREAS, after verified counting of the Philippine Currency, the amount of Fifty Thousand Pesos (Php50,000.00) was returned to passenger Surkchon Sin and Held Baggage Receipt No. 00100007299 was issued for the excess amount of Two Hundred Fifty Thousand Pesos (Php250,000.00).

WHEREAS, the said currency was turned-over to the In-Bond Section of the Baggage Assistance Division (BAD) for safekeeping.

WHEREAS, in a Memorandum dated 04 April 2024, the Customs Examiner and Flight Supervisor thru the Acting Deputy Collector for Passenger Service, Assistant Deputy Collector for Passenger Service, and Chief, Arrival Operations Division, reported to the



District Collector, this Port, the said incident and recommended for the issuance of Warrant of Seizure and Detention for violation of Section 117 and Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, entitled "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies".

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

Section 4. Cross-Border Transfer of Local and Foreign Currencies.

"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)."

WHEREAS, after a 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 Two Hundred Fifty Thousand Pesos (Php250,000.00) for violation of Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, in relation to Section 117 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 subject Philippine Notes in Php1,000 denomination in the total amount of Two Hundred Fifty Thousand Pesos (Php250,000.00) from Korean passenger **SURKCHON SIN** 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 18 April 2013, 874 dated 08 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); and to turn over the same to the Collection Division for custody and safekeeping, 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.

APR 29 2024
BOC-NAIA, Pasay City, _____ April 2024.


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

Law/wady/moz





REPUBLIC OF THE PHILIPPINES
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29 April 2024

MR. SURKCHON SIN
Kingsford Hotel

Subject : Seizure Identification No. 043-2024 (NAIA)
Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos (Php250,000.00) in Php1,000 denomination, brought in by incoming passenger **SURKCHON SIN** on 29 March 2024, under Held Baggage Receipt No. 00100007299

This refers to the shipment which is covered by Seizure Identification No. 043-2024 (NAIA) issued on April 29, 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.

Kindly send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 044-2024 (NAIA)

- versus -

Thirty-six (36) units E-Cigarettes brought in by one **JIAN ZHONG**, a Chinese traveler, who arrived at NAIA Terminal 1 on 23 March 2024.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 23 March 2024, Mr. Jian Zhong, a Chinese traveler and holder of Passport No. EK5736179, arrived at the NAIA Terminal 1 on board flight ZH 9011 from China.

WHEREAS, passenger Zhao's hand carried luggage underwent a non-intrusive inspection and was referred by XIP Inspector Mohamad Junaid Udasan to Ariane Krisette M. Andaya, Customs Examiner, for physical examination.

WHEREAS, before conducting the physical examination, Customs Examiner Andaya asked passenger Zhong to submit his accomplished Customs Baggage Declaration Form (CBDF) and after going over it, she found that he answered "No" to all the questions on page 3 thereof, except for Item No. 7 which pertains to "Alcohol and/or tobacco products in commercial quantities."

WHEREAS, upon actual examination, Customs Examiner Andaya found that the hand carried luggage of passenger Zhong contained thirty-eight (38) units of E-Cigarettes with an estimated value of Php36,000.00. The Customs Examiner informed passenger Zhong that importation of these articles requires prior permit/registration from the Department of Trade and Industry (DTI), and that he is required to present proof of payment or any document that would show the actual value of the goods and as basis for the computation and payment of customs duties and taxes due thereon. However, passenger Zhong failed to present any of these documentary requirements. Hence these articles were withheld from release and were turned over to the In Bond Section, Baggage Assistance Division, this Port, after issuance of Held Baggage Receipt No. 00100007200.

WHEREAS, in a Memorandum dated 24 March 2024, Ariane Krisette M. Andaya, Customs Examiner, and Michelle Ann M. Untalan, Acting Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Assistant Deputy Collector, and Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended the withholding of release of the subject articles until such time that the passenger presents the required Permit and/or Clearance pursuant to Republic Act 11900, and after payment of the necessary duties and taxes assessed thereon. However, despite sufficient time given, passenger Zhong or his duly authorized representative failed and continuously fail to submit the required permit/clearance.



WHEREAS, after a 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 thirty six (36) E-Cigarettes for violation of Sections 12 and 19 of Republic Act No. 11900, otherwise known as "An Act Regulating the Manufacture, Sale, Packaging, Distribution, Use and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products", and implemented by DTI Department Administrative Order No. 22-16 series of 2022, in relation to Section 1113 (f) 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 subject thirty-six (36) E-Cigarettes brought in by one **JIAN ZHONG** for violation of Republic Act No. 11900 as implemented by Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) and Section 1400, and Section 1113 (f) in relation to Sections 117 of the Customs Modernization and Tariff Act (CMTA); and to turn over the same to the Auction and Cargo Disposal Division, pursuant to CAO No. 10-2020 and related issuances, 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 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; APR 29 2024 April 2024.


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

Law/wady/eyl





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29 April 2024

MR. JIAN ZHONG
Citadines Bay City Manila

Subject : Seizure Identification No. 044-2024 (NAIA)
Republic of the Philippines vs. Thirty -six (36) units E-Cigarettes
brought in by one **JIAN ZHONG**, a Chinese traveler, who arrived
at NAIA Terminal 1 on 23 March 2024

This refers to the shipment which is covered by Seizure Identification No. 044-2024 (NAIA) issued on April 29, 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.

Kindly send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,


ATTY. EMILIO Y. LEGASPI IV
Officer on Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 045-2024 (NAIA)

-versus-

Two Hundred Fifty Thousand Pesos
(Php250,000.00) in Php1,000
denomination brought in by
incoming passenger **YONG HO
SHIN** on 03 April 2024

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 03 April 2024 at around 2355H, Yong Ho Shin, a male Korean passenger with Passport No. M987Z5431, arrived at Ninoy Aquino International Airport Terminal 1 on board Philippines Airlines flight PR 469 from Incheon, Korea.

WHEREAS, passenger Yong Ho Shin's hand carried bag underwent a non-intrusive examination by XIP Operator Michael Martinez and was referred to Customs Examiner Minette Elizabeth Bermundo for verification.

WHEREAS, Customs Examiner Bermundo asked the passenger if he had completed a Customs Baggage Declaration Form (CBDF) to which he replied in the affirmative. Passenger Shin handed over the duly filled-out CBDF answering "YES" to item number 1 which pertains to "Philippine Currency and/or Philippine Monetary Instrument in excess of Php50,000.00". The passenger likewise declared the amount of Three Hundred Thousand Philippine Peso (Php300,000.00) in the duly filled-out Currency Declaration Form (CDF). Customs Examiner explained that a traveler is allowed to carry only the amount of Php50,000.00 without prior authorization from the Bangko Sentral ng Pilipinas (BSP) and any excess thereof requires an authorization prior to entry into the country.

WHEREAS, in the presence of passenger Yong Ho Shin, ESS agent SAI Archer Peniza, XIP Inspector On-Duty SAI Mohamad Jonaid Udasan and CIIS Agent SAI Christian Paul Llovit, Customs Examiner Minette Elizabeth Bermundo conducted the physical examination which yielded Three Hundred Thousand Pesos (Php300,000.00) in Php 1,000 denomination. The amount of Php50,000.00 was returned to passenger Yong Ho Shin representing the total amount allowed to be brought in by incoming passengers. Thereafter, Held Baggage Receipt No. 00100007334 was issued for the excess amount of Two Hundred Fifty Thousand Pesos (Php250,000.00). The confiscated Philippine Currency was turned over to Annaliza L. Reyes of the In-Bond Unit, Baggage Assistance Division, for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port dated 04 April 2024, Customs Examiner Minette Elizabeth Bermundo and Acting Flight Supervisor Dianne Karen V. Caceres, thru Atty. Danilo M. Campos Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector for Passenger Service, and Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the amount of Php250,000.00 for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, entitled, "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies".



WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

Section 4. Cross-Border Transfer of Local and Foreign Currencies.

"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)."

WHEREAS, after a 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 Two Hundred Fifty Thousand Pesos (Php250,000.00) for violation of Section 117 of the Customs Modernization and Tariff Act (CMTA), and Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, entitled, "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies".

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 Philippine Notes in Php1,000 denomination in the total amount of Two Hundred Fifty Thousand Pesos (Php250,000.00) intercepted from incoming passenger **YONG HO SHIN** 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 18 April 2013, 874 dated 08 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); and to turn over the same to the Collection Division for custody and safekeeping, 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, ^{APR 29 2024} April 2024.


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

Law/wady/eyllV





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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29 April 2024

MR. YONG HO SHIN
Okada

Subject : Seizure Identification No. 045-2024 (NAIA)
Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos
(Php250,000.00) in Php1,000 denomination, brought in by
incoming passenger **YONG HO SHIN** on 03 April 2024.

This refers to the shipment which is covered by Seizure Identification No. 045-2024 (NAIA) issued on April 29, 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.

Kindly 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. 046-2024 (NAIA)

-versus-

Two Hundred Fifty Thousand Pesos (Php250,000.00) Philippine Currency seized from incoming passenger **HOANG THANH BINH**, a Vietnamese national and holder of Passport No. P03282916.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 21 March 2024, Hoang Thanh Binh, a Vietnamese national and holder of Passport No. P03282916, arrived at the NAIA Passenger Terminal 1 on board Philippine Airlines Flight PR 0596 from Vietnam.

WHEREAS, passenger Hoang underwent a non-intrusive examination conducted by XIP Inspector Sannilyn Fernandez who, thereafter referred him to Customs Examiner on duty, Shenandoah S. Capili.

WHEREAS, before conducting an actual physical examination, Customs Examiner Capili asked Passenger Hoang to submit his duly accomplished Customs Baggage Declaration Form (CBDF). After going over the said CBDF, Customs Examiner Capili noted that the passenger answered "NO" to all the items in the General Declaration except Item No. 1 which refers to Philippine Currency in excess of the allowable amount of Php50,000.00. Customs Examiner Capili likewise asked passenger Hoang if he had Philippine Currency more than the allowable amount to which he answered in the affirmative.

WHEREAS, Customs Examiner Capili conducted an actual examination which yielded the total amount of Three Hundred Thousand Pesos (Php300,000.00). Thereafter, Php50,000.00 of the total amount was returned to passenger Hoang, and the remaining amount of Php250,000.00.00 was withheld for lack of prior authorization from the Bangko Sentral ng Pilipinas. Customs Examiner Capili issued to passenger Hoang Held Baggage Receipt No. 00100007053 for the excess amount and turned over the currency to the In Bond Section, Baggage Assistance Division, this Port, for custody and safekeeping.

WHEREAS, in a Memorandum dated 21 March 2024, the Customs Examiner and Flight Supervisor, thru the Chief, Arrival Operations Division, Assistant Deputy Collector for Passenger Service, and Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended that the amount of Php250,000.00 be seized for lack of the required Import Permit from the Bangko Sentral ng Pilipinas pursuant to BSP Circular No. 1146 series of 2022 bearing the subject "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies", in relation to Section 117 of the Customs Modernization and Tariff Act (CMTA).



WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

Section 4. Cross-Border Transfer of Local and Foreign Currencies.

"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)."

WHEREAS, after a 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 Two Hundred Fifty Thousand Pesos (Php250,000.00) Philippine Currency for violation of Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, in relation to Section 117 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 subject Philippine Notes in Php1,000 denomination in the total amount of Two Hundred Fifty Thousand Pesos (Php250,000.00) from incoming passenger **HOANG THANH BINH**, 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 18 April 2013, 874 dated 08 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); and to turn over the same to the Collection Division for custody and safekeeping, 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.

APR 29 2024
BOC-NAIA, Pasay City, _____ April 2024.


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

Law/wady/ey/IV





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29 April 2024

MR. HOANG THANH BINH

Sea Residence, Tower D, Unit 1008 Manila

Subject : Seizure Identification No. 046-2024 (NAIA)

Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos (Php250,000.00) Philippine Currency seized from incoming passenger **HOANG THANH BINH**, a Vietnamese national and holder of Passport No. P03282916.

This refers to the shipment which is covered by Seizure Identification No. 046-2024 (NAIA) issued on April 29, 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;
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Kindly send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

ATTY. EMILIO Y. LEGASPI IV
Officer-on-Case