



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF CUSTOMS**

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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
NO. 034-2024 (NAIA)

-versus-

Thirty (30) pieces of Neuramis Nose Filler brought in by **BYOUNGJU AHN** on 21 January 2024 and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100006131.

X-----X

## DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described shipment for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Article 1 (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 (FDA) Act of 2009.

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

1. On 21 January 2024 at the NAIA Terminal 1, the checked-in baggage of a male Korean passenger named Byoungju Ahn with Passport Number M25089528, on board flight PR 467 from Incheon, Korea, underwent a non-intrusive inspection and was marked with "X" by an X-ray Inspection Project (XIP) personnel and was intercepted by Customs Examiner Ariane Krisette M. Andaya for physical examination.
2. Before conducting the physical examination, Customs Examiner Andaya asked the passenger to submit his filled-out Customs Baggage Declaration Form (CBDF). It was noted that the passenger answered "NO" to all the items on the 3<sup>rd</sup> page of the CBDF, except for item no. 12 which pertains to "Other goods".
3. The physical examination led to the discovery of thirty (30) pieces of Neuramis Nose Fillers with a total weight of 1.24 kilograms. Customs Examiner Andaya informed the passenger that the items require a permit from the FDA. Furthermore, the passenger was also requested to provide any document as evidence of the actual value of the item that was examined.
4. The examined items were held due to lack of Import Permit/Authorization from Food and Drug Administration (FDA), in accordance with Book II, Article 1, Section 1 (b) of the Department of Health Department Circular No. 2011-0101 (The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009), and subject to presentation of proof of payment for value verification. Held Baggage Receipt was issued to the passenger with HBR No. 00100006131. The items were turned over to Annalisa Reyes of the In-Bond Unit, Baggage Assistance Division for safekeeping.
5. In a Memorandum dated 26 January 2024, Customs Examiner Andaya and Acting Flight Supervisor Anthony C. Relucio, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Ph.D, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Acting



Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended that the goods remained in the custody of the In-Bond Section, Baggage Assistance Division, this Port, until such time that Passenger Byoungju Ahn submits the required FDA Import Permit or Clearance and upon payment of the duties and taxes to be assessed therein, if any.

6. In a Memorandum dated 25 March 2024, the Officer-In-Charge, Baggage Assistance Division, thru and Mr. Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, recommended to the Acting Chief, Law Division, this Port, for the issuance of Warrant of Seizure and Detention against the thirty (30) pieces of Neuramis Nose Filler for lack of Import Permit or Clearance which is required in Republic Act No. 9711 otherwise known as the Food and Drug Administration (FDA) Act of 2009, and for violation of Section 117 of the Customs Modernization and Tariff Act (CMTA).

#### DISCUSSION:

As culled from the records of the instant case, passenger Byoungju Ahn brought into the country the subject thirty (30) pieces of Neuramis Nose Filler 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.

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**, premises considered, the subject thirty (30) pieces of Neuramis Nose Filler brought in by **BYOUNGJU AHN** 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 the same to the Auction and Cargo Disposal Division (ACDD) for custody and safekeeping and 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, <sup>11</sup> <sup>APR</sup> <sup>2024</sup> April 2024.

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

Wdy/law/moz

