



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 025-2024 (NAIA)

versus -

One (1) outbound parcel covered by AWB No. 3338176866 declared to contain Cultural Homemade Musical Instrument Drum Stock but found to contain Seventy-Eight (78) Test Tubes of Black Ants and One (1) Test Tube of Red Ants shipped by **RENZ QUIZON** and consigned to **GUNDESLI MUHAMMET**

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-captioned package bound for France which, after an actual examination thereof, was found to contain 79 pieces of test tubes containing live ants, for violation of Sections 11 and 26 of Republic Act 9147 otherwise known as Wildlife Resources Conservation and Protection Act, and Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA).

The records of the instant case show the following facts, viz:

1. On 06 March 2024, a physical examination of One (1) outbound DHL pouch covered by Airway Bill No. 3338176866 declared to contain Cultural Homemade Musical Instrument Drum Stock.
2. The parcel was sent by Renz Quizon with an address at 3023 Assumption, San Jose del Monte with contact number 639175487738 and consigned to a certain Gundesli Muhammet with delivery address at 4 Rue Camille Claudel, Tomblaine, France.
3. After the inventory, the 78 test tubes of black ants and 1 test tube of red ants were resealed and turned over to the Department of Environment and Natural Resources (DENR) thru Mr. Florante Morales and Mr. Ricky T. Aycardo.
4. In a Disposition Form for the District Collector, this Port, dated 07 March 2024, Supervising Trade Control Examiner Mohamad Hussin T. Belleng, thru Mr. Calil G. Dimangadap, Chief, Export Division, recommended for the issuance of Warrant of Seizure and Detention against the subject outbound parcel which contained 78 test tubes of black ants and 1 test tube of red ants for violation of Republic Act No. 10863 also known as the "Customs Modernization and Tariff Act" (CMTA) specifically Section 1400 (Misdeclaration) of the said Act.

DISCUSSION:

At this juncture, it bears stressing that the exportation of the subject "Seventy-Eight (78) test tubes of black ants and One (1) test tube of red ant, not being supported by the



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required clearances of the Department of Environment and Natural Resources (DENR), violates Sections 11, 27 (i) and 28 of Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act.

Sections 11, 27 (i) and 28 of RA 9147 provides:

“Section 11. Exportation and/or importation of Wildlife. **Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto.** Provided, that the recipient of the wildlife is technically and financially capable to maintain it.

Section 27. Illegal acts. – Unless otherwise allowed in accordance with this Act, **it shall be unlawful for any person to wilfully or knowingly exploit wildlife resources and their habitats, or undertake the following acts:**

X X X X X X

(i) **Transporting of wildlife.**

X X X X X X

Section 28. Penalties for Violations of this Act. For illegal acts under paragraphs (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:

X X X X X X

(b) Imprisonment of three (3) months and one (1) day to six (6) months and a fine of Twenty Thousand Pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), **if** inflicted or **undertaken against endangered species;**

X X X X X X

All wildlife, its derivatives or by-products, and all paraphernalia, toots and conveyances used in connection with violations of this Act, **shall be ipso facto forfeited in favor of the government x x x.** The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.” (Underscoring and emphasis supplied)

On this score, Paragraph 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 119 (f) 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.”

In connection thereto, Section 119 of the CMTA provides:



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Section 119. Restricted importation and exportation. – Except when authorized by law or regulation, the importation or exportation of the following restricted goods are prohibited: xxx

(f) Any other goods whose importation and exportation are restricted. x x x”

“Section 1113. Property subject to Seizure and Forfeiture. –

(j) 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, and are or were entered to be used as instruments in the importation or the exportation of the former;

X X X X X X

WHEREFORE, the subject Seventy-Eight (78) Test Tubes of Black Ants and One (1) Test Tube of Red Ants shipped by **RENZ QUIZON** and consigned to **GUNDESLI MUHAMMET** are hereby declared *ipso facto* **FORFEITED** for violation of Section 1113 (f) in relation to Section 119 (f) of Republic Act 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA); Paragraph 9.3 of CAO 10-2020, and Sections 11, 27 (i) and 28 of RA 9147, otherwise known as the “Wildlife Resources Conservation and Protection Act of 2001”, which were already turned-over to the Department of Environment and Natural Resources (DENR) Wildlife Traffic Monitoring Unit for custody pursuant to Section 8 (Custody of Seized Goods requiring immediate turn-over to Regulating Agencies) of Customs Administrative Order (CAO) No. 10-2020 bearing the subject: “Seizure and Forfeiture Proceedings and Appeals Process”.

Let copies of the Decision be furnished to the parties and offices concerned for their information, and a copy thereof be posted in the Bulletin Board of this Port, for information of all concerned.

SO ORDERED.

BOC-NAIA, Pasay City, ^{08 APR 2024} _____ April 2024.

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

Law/dmc/moz



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