



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION

NO. 030-2024 (NAIA)

-versus-

One Hundred Fifty-Seven (157) reams of assorted Cigarettes brought in by incoming Chinese Passenger **LIANGYANG SHI** from China who arrived on 24 January 2024 at NAIA Terminal 3

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the One Hundred Fifty-Seven (157) reams of assorted Cigarettes were brought into the country by passenger Liangyang Shi, a Chinese national and holder of Passport No. EC6176232, who arrived on 24 January 2024 at NAIA Terminal 3 on board Flight No. CZ3091 from China.

WHEREAS, the checked-in baggage of passenger Shi underwent non-intrusive inspection and was marked with "X" by the XIP personnel who then referred the passenger to Acting Customs Examiner Jewel Irish G. Abuejela for physical examination of his baggage.

WHEREAS, before conducting an actual examination of the subject baggage, Customs Examiner Abuejela asked the passenger to submit his filled-out Customs Baggage Declaration Form (CBDF). It was noted that the traveler answered "No" to all the items on the 3rd page of the CBDF, except for item no. 7 which pertains to "Alcohol and/or tobacco products in commercial quantities".

WHEREAS, Customs Examiner Abuejela then conducted actual examination of passenger Shi's baggage which yielded to the discovery of One Hundred Fifty Seven (157) reams of assorted Cigarettes with a total weight of 69.26 kilograms.

WHEREAS, the subject assorted cigarettes were held for lack of import permit from the national Tobacco Administration and subject to the presentation of proof of payment for value verification. Held Baggage Receipt No. 00100005893 was issued to passenger Shi and the articles were turned-over to Jonathan Mesa, In-Bond Unit, Baggage Assistance Division, for safekeeping;

WHEREAS, in a Memorandum dated 26 January 2024, Customs Examiner Jewel Irish G. Abuejela and Action Flight Supervisor Princess Tanya R. Atienza, thru Atty. Danilo M. Campos, Jr. Chief, Arrival Operations Division, Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service and Norsalem Raymond M. Mamao, Acting Deputy Collector for Passenger Service, 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 Shi.

WHEREAS, in a Memorandum dated 25 March 2024, the Officer In-Charge, Baggage Assistance Division, thru the 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 One Hundred Fifty Seven (157) reams of assorted cigarettes brought in by passenger **LIANGYANG SHI**, 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, ¹¹ APR 2024
April 2024.

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

Wdy/law/ham

