



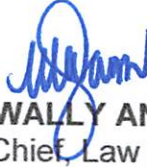
REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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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-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 : **22 APRIL 2024**

This refers to the herein attached **Warrant of Seizure and Detention (WSD) No. 022-2024 (NAIA)**: Republic of the Philippines vs. Eighteen (18) units Assorted Flavored E-Cigarettes and Eight (8) pieces Nicotine Pouch brought in by one **HAI ZHAO**, a Chinese traveler who arrived on 23 March 2024 at NAIA Terminal 1.

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. 022-2024 (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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22 April 2024

MR. HAI ZHAO
New Wold Makati Hotel

Subject : Seizure Identification No. 036-2024 (NAIA)
Republic of the Philippines vs. Eighteen (18) units Assorted
Flavored E-Cigarettes and Eight (8) pieces Nicotine Pouch brought
in by one **HAI ZHAO**, a Chinese traveller who arrived on 23 March
2024 at NAIA Terminal 1

This refers to the shipment which is covered by Seizure Identification No. 036-2024 (NAIA) issued on April 19, 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 V. LEGASPI IV
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 036-2024 (NAIA)

- versus -

Eighteen (18) units Assorted Flavored E-Cigarettes and eight (8) pieces Nicotine Pouch brought in by one **HAI ZHAO**, a Chinese traveler who arrived on 23 March 2024 at NAIA Terminal 1.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 23 March 2024, Hai Zhao, a Chinese traveler and holder of Passport No. EL0939272, arrived at the NAIA Terminal 1 on board flight ZH 9011 from China.

WHEREAS, passenger Zhao's luggage underwent a non-intrusive inspection and was referred by XIP Inspector Mohamad Junaid Udasan to Jewel Iris G. Abuejela, Acting Customs Examiner for physical examination.

WHEREAS, before conducting the physical examination, Acting Customs Examiner Abuejela asked passenger Zhao to submit his accomplished Customs Baggage Declaration Form (CBDF) and 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, Acting Customs Examiner Abuejela found that the luggage of passenger Zhao contained eighteen (18) units of E-Cigarettes and eight (8) pieces of Nicotine Pouches with an estimated value of Php22,000.00. Ms. Abuejela informed passenger Zhao that importation of these articles requires prior permit/registration from the Department of Trade and Industry (DTI), and that the passenger 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 Zhao could not present any of these required 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. 00100007187.

WHEREAS, in a Memorandum dated 24 March 2024, Ms. Jewel Iris G. Abuejela, Acting Customs Examiner, and Ms. Michelle Ann M. Untalan, Acting Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended that the release of the subject articles can be given due course only upon the presentation of the required Permit and/or Clearance pursuant to Republic Act 11900, and only after payment of the duties and taxes assessed thereon.



despite sufficient time given, passenger Zhao or his duly authorized representative failed and continuously failed 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 eighteen (18) assorted E-Cigarettes and nine (9) pieces Nicotine Pouch 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 eighteen (18) assorted E-Cigarettes and nine (9) pieces Nicotine Pouch brought in by HAI ZHAO 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, 19 April 2024.


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

Law/wady/eyl

