



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

A modernized and credible customs administration that upholds good governance and is among the world's best

Republic of the Philippines,
- versus -

Seizure Identification
No. 2024-009

Forty-five (45) pieces of Phalaenopsis (Moth Orchids) hand carried by crews of vessel "MV SILVER MUSE" with Registry No. BLA022-24, which arrived in Berth 4 and 5 of Pier 15, South Harbor, Manila on 23 March 2024,

ALAIN G. FERNANDO AND NEIL DARWIN O. PANAGLITAN,

Claimants.

x ===== x

DECISION

This resolves the seizure proceedings instituted against the above-mentioned goods pursuant to Sections 117 and 1113 of the "Customs Modernization and Tariff Act" CMTA, in relation to R.A. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act".

The antecedent facts of the instant seizure case are as follows:

On 23 March 2024, vessel M/V "**SILVER MUSE**" berthed at Berths 4 and 5 of Pier 15, South Harbor, Manila.

On said date, Customs Officer Hanna Yuki Delgado found two (2) hand carried boxes and one (1) eco bag containing forty-five (45) pieces of Phalaenopsis (Moth Orchids) owned by Alain G. Fernando and Neil Darwin O. Panaglitan, crews of the subject vessel. The subject items require an import permit from the Department of Environment and Natural Resources (DENR), a phytosanitary permit from the Bureau of Plant Industry (BPI) and an export permit from the country of origin. However, no permits were issued for the said plants.

Physical examination was conducted by Customs Examiner Ferdinand L. Parayno, Informal Entry Division, together with IAI Freedom Guta, CIIS representative, SAI Edzelle Ross M. Oma, ESS representative, and Hanna Yuki Delgado, XIP representative.

The assigned Customs Examiner recommended the issuance of a Warrant of Seizure and Detention (WSD) against the above-mentioned goods/items pursuant to Sections 117 (Regulated Importation) and Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA) in relation to Section 27(l) of R.A. 9147 otherwise known as the "Wildlife Resources Conservation and Protection Act".

On 26 March 2024, the subject items were turned over to BPI for proper handling and monitoring.

On 29 April 2024, finding existence of probable cause, the District Collector, this Port, issued a Warrant of Seizure and Detention docketed as Seizure Identification No. 2024-009 against the seized item pursuant to Sections 117 and 1113 of the CMTA, in relation to R.A. 9147 otherwise known as the "Wildlife Resources Conservation and Protection Act".

On 07 May 2024, Notices of Hearing were sent to the duly authorized representative of the Director, Legal Service, Area Manager's authorized representatives of National Plant Quarantine Services Division and Bureau of Plant Industry, and The Chief, Informal Entry Division Attn.: Ferdinand Parayno, COOIII,



informing the parties that a hearing will be conducted on May 9, 2024. A copy of the Notice of Hearing were also posted on Website and Bulletin Board of the Bureau of Customs.

On the above-mentioned date and time of hearing, the Government Prosecutor, Atty. Katrina Pearl C. Chua, Customs Examiner Ferdinand Parayno, Chandler Jallorina and Mark Lester Nuo, representatives from Bureau of Plant Industry (BPI) appeared. Herein claimants failed to appear to lay claim to the questioned articles and refute the above findings and/or violation of the case. Thus, prompting this Office to conclude that they are no longer interested in the prosecution of this case or have waived their rights over the said items.

The Government Prosecutor contends that the subject Forty-five (45) pieces of Phalaenopsis (Moth Orchids) were restricted and brought in without import permit and authority from the appropriate government agency.

The National Plant Quarantine Services Division – South Harbor, submitted their Laboratory Analysis Result dated May 15, 2024, recommending that the samples were autoclaved and disposed at South Harbor Disposal Area.

Verily, the subject shipment is in clear violation of Section 117, and Section 1113 of the CMTA, which provides, to wit:

“Section 117. Regulated importation and exportation. – Goods which are subject to regulation shall be imported or exported only after securing the necessary goods declaration or export declaration, clearances, licenses, and any other requirements after arrival of the goods but prior to release from customs custody, shall be allowed but only in cases provided for by governing laws and regulations;

Section 1113. Property Subject to Seizure and Forfeiture.- Property that shall be subject to seizure and forfeiture include:

- (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;
- (i) Any package of imported goods which is found upon examination to contain goods not specified in the invoice or goods declaration including all other packages purportedly containing imported goods similar to those declared in the invoice or goods declaration to be the contents of the misdeclared package;
- (l) Goods sought to be imported or exported;
- (1) Without going through a customs office, whether the act was consummated, frustrated, or attempted;
- (2) Found in the baggage of a person arriving from abroad and undeclared by such person;
- (3) Through a false declaration or affidavit executed by the owner, importer, exporter, or consignee concerning the importation of such goods;
- (4) On the strength of a false invoice or other document executed by the owner, importer, exporter, or consignee concerning the importation or exportation of such goods; or




- (5) Through any other practice or device contrary to law by means of which such goods entered through a customs office to the prejudice of the government.”

WHEREFORE, premises considered and by virtue of the authority vested in me by law, it is hereby ordered and decreed that the Forty-five (45) pieces of Phalaenopsis (Moth Orchids) hand carried by crews of vessel “MV SILVER MUSE” with Registry No. BLA022-24, which arrived in Berth 4 and 5 of Pier 15, South Harbor, Manila on 23 March 2024, be **FORFEITED** in favor of the Government to be disposed of in a manner provided by law.

Let copies of this Decision be furnished all parties and offices concerned for their information and guidance.

SO ORDERED.

Port of Manila, Philippines, JUL 17 2024


RIZALINO JOSE C. TORRALBA
District Collector
Port of Manila

