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DEPARTMENT OF FINANCE
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3069777159

BOC-28-05894

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. EMILIO Y. LEGASPI IV**
OIC, Law Division

SUBJECT : **PUBLICATION IN THE BOC WEBSITE OF THE ISSUED
DECISION AND WARRANT OF SEIZURE AND
DETENTION (WSD)**

DATE : **05 AUGUST 2024**

This refers to the herein attached Decision of Forfeiture and Warrant of Seizure and Detention (WSD):

1. **SEIZURE IDENTIFICATION NO. 137-2024 (NAIA)** : Republic of the Philippines vs. Three Hundred Ten (310) pieces Lipstick, sixty (60) pieces Foundation, and ninety (90) pieces BB Cream, which were brought in by traveler **HAN JEONG UZ** under Held Baggage Receipt (HBR) No. 00100005691;
2. **SEIZURE IDENTIFICATION NO. 138-2024 (NAIA)** : Republic of the Philippines vs. Ten (10) of Collagen, 1000ml, and twenty (20) pieces of Neutralizing Straightening brought in by **NGUYEN THI THAM** on 09 December 2023, and held in custody at the In Bond Section, Baggage Assistance Receipt (HBR) No. 00100005613;
3. **SEIZURE IDENTIFICATION NO. 139-2024 (NAIA)** : Republic of the Philippines vs. Fifty (50) pieces Editorial Pure Vitamin C Serum and fifty (50) pieces Editorial Pure No More Cream, found inside the luggage of incoming passenger Min Gyu Kim on 11 December 2023 at NAIA Terminal 1;
4. **SEIZURE IDENTIFICATION NO. 140-2024 (NAIA)** : Republic of the Philippines vs. Two Hundred Fifty Thousand Pesos (Php250,000.00) intercepted from incoming traveler **DONG HOWN CHANG** on 03 April 2024;
5. **SEIZURE IDENTIFICATION NO. 141-2024 (NAIA)** : Republic of the Philippines vs. Forty Thousand Pesos (Php40,000.00) Philippine Currency, intercepted from incoming traveler **LILI ZHOU**;



6. **SEIZURE IDENTIFICATION NO. 142-2024 (NAIA)** : Republic of the Philippines vs. Forty Million Korean Won (KR40,000,000.00) brought in by one **HEE CHEON KIM** on 25 June 2024 and held in custody under Held Baggage Receipt No. 00100008166;
7. **SEIZURE IDENTIFICATION NO. 143-2024 (NAIA)** : Republic of the Philippines vs. Forty Million Korean Won (KR40,000,000.00) intercepted from incoming passenger **SONG IE HAN** on 25 June 2024; and
8. **SEIZURE IDENTIFICATION NO. 144-2024 (NAIA)** : Republic of the Philippines vs. Sixty-Six Thousand One Hundred Fifty Pesos (Php66,150.00) in mixed denomination brought in by incoming passenger **NUTTICHA MEEVOOTISOM** on 21 June 2024.

As the aforementioned passengers/claimants have indicated insufficient addresses in the Philippines, the WSDs 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 WSD on **Seizure Identification Nos. 137-2024 (NAIA), 138-2024 (NAIA), 139-2024 (NAIA), 140-2024 (NAIA), 141-2024 (NAIA), 142-2024 (NAIA), 143-2024 (NAIA) and 144-2024 (NAIA)** respectively, 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.





REPUBLIC OF THE PHILIPPINES
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05 August 2024

MS. NUTTICHA MEEVOOTISOM

Okada Hotel

Subject : Seizure Identification No. 144-2024 (NAIA)
Republic of the Philippines vs. Sixty-Six Thousand One
Hundred Fifty Pesos (Php66,150.00) in mixed denomination
brought in by incoming passenger **NUTTICHA**
MEEVOOTISOM on 21 June 2024

Dear **Ms. Nutticha Meevootisom**

This refers to the seized currency which is covered by Seizure Identification No. 144-2024 (NAIA) issued on August 2, 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,

for 
ATTY. TEODOLFO MARTIN S. YERRO IV
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 144-2024 (NAIA)

-versus-

Sixty-Six Thousand One Hundred
Fifty Pesos (Php66,150.00) in
mixed denomination brought in by
incoming passenger **NUTTICHA
MEEVOOTISOM** on 21 June 2024

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 21 June 2024 at around 1930H, Thai passenger Nutticha Meevootisom with Passport Number AC2520800 arrived at Ninoy Aquino International Airport Terminal 1 on board flight PR 73 from Thailand.

WHEREAS, Meevootisom's carry-on baggage underwent a non-intrusive examination by XIP Inspector Mohamad Jonaid Udasan and was referred to Customs Examiner Jewel Iris Abuejela for physical inspection.

WHEREAS, passenger Meevootisom presented her electronic Customs Baggage Declaration Form (e-CBDF) to the assigned Customs Examiner. It was noted that the traveler answered "NO" to all items in the e-CBDF. Customs Examiner Abuejela explained that a traveler is allowed to carry only the amount of Php50,000.00 without prior authorization from the Bangko Sentral ng Pilipinas (BSP) and any excess thereof requires an authorization prior to entry into the country.

WHEREAS, in the presence of passenger Meevootisom and her companion, together with the representatives from CIIS, CIIS, and Flight Supervisor Manuel J. Mendoza, Customs Examiner Abuejela conducted the physical examination which yielded a total amount of One Hundred Sixty-Six Thousand One Hundred Fifty Pesos (Php166,150.00). The amount of Php100,000.00 was returned to Nutticha Meevootisom and her companion representing the total amount allowed to be brought in by incoming passengers. Thereafter, a Held Baggage Receipt No. 00100008098 was issued for the excess amount of Sixty-Six Thousand One Hundred Fifty Pesos (Php66,150.00). The confiscated Philippine Currencies were turned over to Hamimah H. Mangondaya of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 24 June 2024, Customs Examiner Jewel Iris Abuejela and Flight Supervisor Manuel J. Mendoza, then Atty. Danilo M. Campos Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Norsalem Raymond M. Maga-o, Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the amount of Php66,150.00 for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, entitled "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies".



WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

Section 4. Cross-Border Transfer of Local and Foreign Currencies.

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

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 subject Philippine Notes in the amount of Sixty-Six Thousand One Hundred Fifty Pesos (Php66,150.00) for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 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 Sixty-Six Thousand One Hundred Fifty Pesos (Php66,150.00) intercepted from incoming passenger **NUTTICHA MEEVOOTISOM** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, 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, AUG 02 2024 July 2024.

MARY. MARIA YASMIN M. OBILLOS, District Collector, BOC-NAIA

Law/wady/tsylV





REPUBLIC OF THE PHILIPPINES
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05 August 2024

MS. SONG IE HAN

c/o Atty. Benedict S. Cartagena
Maronilla & Partners
Unit 3F, CSV Properties Bldg., 329 Maysilo Circle
Plainview, Mandaluyong City 1550

Subject : Seizure Identification No. 143-2024 (NAIA)
Republic of the Philippines vs. Forty Million Korean Won
(KR40,000,000.00) intercepted from incoming passenger
SONG IE HAN on 25 June 2024

Dear **Ms. Song le Han**

This refers to the seized currency which is covered by Seizure Identification No. 143-2024 (NAIA) issued on August 2, 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. HYACINTH A. MIRANDA
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City

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WHEREAS, after 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 subject Forty Million Korean Won (KRW40,000,000.00) for violation of Section 117 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated April 18, 2013, 874 dated April 8, 2015; 922 dated August 23, 2016 and 1146 dated May 26, 2022), and Republic Act No. 7653 dated June 14, 1993 (The New Central Bank Act);

WHEREAS, Section 4 of BSP Circular No. 1146, Series of 2022, with the subject "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies", as implemented by the Bureau of Customs by virtue of Customs Memorandum Circular (CMC) No. 89-2022 dated July 5, 2022.

"Section 4. Cross-Border Transfer of Local and Foreign Currencies.

xxx

Foreign Currency. Any person who brings into or takes out of the Philippines foreign currency, as well as other foreign currency-denominated bearer monetary instruments, *in excess of USD10,000 or its equivalent is required to declare the whole amount brought into or taken out of the Philippines using the prescribed Currencies Declaration Form. Xxx*"

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 Forty Million Korean Won (KRW 40,000,000.00) intercepted from incoming passenger **SONG IE HAN** for violation of Section 117 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, 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, AUG 02 2024.

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

Wdy/law/ham





REPUBLIC OF THE PHILIPPINES
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05 August 2024

MR. HEE CHEON KIM
c/o Atty. Benedict S. Cartagena
Maronilla & Partners
Unit 3F, CSV Properties Bldg., 329 Maysilo Circle
Plainview, Mandaluyong City 1550

Subject : Seizure Identification No. 142-2024 (NAIA)
Republic of the Philippines vs. Forty Million Korean Won
(KR40,000,000.00) brought in by one **HEE CHEON KIM** on 25
June 2024 and held in custody under Held Baggage Receipt
No. 00100008166

Dear **Mr. Hee Cheon Kim**

This refers to the seized currency which is covered by Seizure Identification No. 142-2024 (NAIA) issued on August 2, 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,

for 
ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 142-2024 (NAIA)

-versus-

Forty Million Korean Won
(KR40,000,000.00) brought in by
one **HEE CHEON KIM** on 25 June
2024 and held in custody under Held
Baggage Receipt No.
00100008166.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 25 June 2024, a Korean traveler, Hee Cheon Kim, and holder of Passport No. M06713166, arrived at the Ninoy Aquino International Airport (NAIA) Terminal 3 on board Philippine Airlines Flight PR 467 from Incheon, Korea.

WHEREAS, the handcarried luggage of Mr. Kim passed through the non-intrusive examination conducted by XIP Inspector on duty, and thereafter he was referred by ESS SA I Noroden Tomiara to Customs Examiner Pia DG Reyes for physical examination of the passenger's handcarried luggage.

WHEREAS, before conducting an actual physical examination, Customs Examiner Reyes asked Passenger Kim to scan the E-Travel QR Code and to submit his passport. Upon checking the scanned QR Code, Customs Examiner Reyes noted that passenger Kim ticked "NO" to all the items in the General Declaration. Then she asked the passenger if he has anything to declare to which the passenger replied in the negative.

WHEREAS, Customs Examiner Reyes conducted an actual examination of passenger Kim's handcarried luggage which yielded eight (8) bundles of Korean Won bills wrapped in layers of face towel and concealed in between the folded clothes of Mr. Kim. This prompted Customs Examiner Reyes to invite passenger Kim, together with ESS SAI Noroden Tomiara, CIIS SAI Alex Trespeces, and Flight Supervisor Ramon S. Calleja to the Exclusion Room at the Arrival Area for the actual counting and verification of the foreign currency. The actual physical examination yielded the total amount of Korean Won Forty Million which is equivalent to US\$28,760.00.

WHEREAS, Customs Examiner Reyes withheld the release of the subject foreign currency and issued Held Baggage Receipt No. 00100008166 to passenger Kim and then turned over the said currency to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum dated 25 June 2024, Customs Examiner Pia DG Reyes and Flight Supervisor Ramon S. Calleja, Jr., thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended the issuance of Warrant of Seizure and Detention against the amount of



Forty Million Korean Won for failure to declare and concealment of the said foreign currency, in violation of Sections 117 and 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to BSP Circular No. 1146, series of 2022, and Section 4.2 of the Manual of Regulations on Foreign Exchange Transactions.

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 Forty Million Korean Won (KR40,000,000.00) found inside the hand-carried luggage of passenger Hee Cheon Kim upon his arrival on 25 June 2024, for violation of Sections 117 and 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to BSP Circular No. 1146, series of 2022, and Section 4.2 of the Manual of Regulations on Foreign Exchange Transactions.

WHEREAS, Section 4 of BSP Circular No. 1146, Series of 2022, with the subject "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies", as implemented by the Bureau of Customs by virtue of Customs Memorandum Circular (CMC) No. 89-2022 dated July 5, 2022, states:

"Section 4. Cross-Border Transfer of Local and Foreign Currencies.

xxx

Foreign Currency. Any person who brings into or takes out of the Philippines foreign currency, as well as other foreign currency-denominated bearer monetary instruments, *in excess of USD10,000 or its equivalent is required to declare the whole amount brought into or taken out of the Philippines using the prescribed Currencies Declaration Form. Xxx*"

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 Forty Million Korean Won (KR40,000,000.00) brought in by the incoming passenger **HEE CHEON KIM** for violation of Section 117 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, 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, AUG 02, 2024

ATTY. MARIA YASMIN M. OBENLOS JAPA,
District Collector, BOC-NAIA

...uy/eyllV





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SEIZURE IDENTIFICATION
NO. 143-2024 (NAIA)

-versus-

Forty Million Korean Won
(KRW40,000,000.00) intercepted
from incoming passengers **SONG
IE HAN** on 25 June 2024.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, passenger Song le Han, a Korean National and holder of Passport No. M822Q2700, arrived at the Ninoy Aquino International Airport (NAIA) on 25 June 2024 on board Flight PR467 from South Korea;

WHEREAS, during routine x-ray screening, the Baggage of passenger Han Song le, exhibited suspicious image from the x-ray monitor, particularly image of bills, hence was referred by ESS SA1 Tomaira to Customs Examiner Pia DG. Reyes for physical examination.

WHEREAS, before conducting the physical examination, COO III Reyes asked Ms. Han to scan the e-travel QR Code and hand over her passport. Upon checking the scanned QR code, the customs examiner noted that passenger ticked "No" to all items in the General Declaration. Initial examination of the baggage yielded 8 bundles of Korean bills wrapped in layers of face towel and hidden in folded clothes. The Customs Examiner led Ms. Song le to the exclusion room for physical counting and verification of the foreign currency, together with ESS SAI Noroden Tomaira, CIIS SAI Alex Trespeces and Flight Supervisor Ramon S. Calleja, Jr.

WHEREAS, the physical examination yielded a total amount of KRW40,000,000.00 which is equivalent to USD28,760.00.

WHEREAS, the total amount of Forty Million Korean Won (KRW40,000,000.00) was confiscated due to traveler's non-declaration of the foreign currency. Held Baggage Receipt No. 00100008177 was issued to traveler while the subject foreign currency was turned-over to Annaliza Reyes of the In-bond Unit, Baggage Assistance Division.

WHEREAS, on 25 June 2024 Customs Examiner Pia DG. Reyes, Flight Supervisor Ramon Calleja Jr. thru Acting Deputy Collector for Passenger Service, Assistant Deputy Collector for Passenger Service, and Chief, Arrival Operation Division, submitted their Incident Report to the District Collector and recommended for the issuance of Warrant of Seizure and Detention (WSD) of the subject foreign currency for violation of Section Bangko Sentral ng Pilipinas (BSP) Circular No. 1146 Series of 2022 in relation to Section 4.2 of the Manual of Regulations on Foreign Exchange Transactions hereinafter referred to as the "FX Manual" and Section 117 and 1113 of the Customs Modernization and Tariff Act (CMTA).





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05 August 2024

MS. LILI ZHOU
Park Bed and Breakfast Hotel
Pasay City

Subject : Seizure Identification No. 141-2024 (NAIA)
Republic of the Philippines vs. Forty Thousand Pesos
(Php40,000.00) Philippine Currency, intercepted from
incoming traveler **LILI ZHOU**

Dear **Ms. Lili Zhou**

This refers to the seized currency which is covered by Seizure Identification No. 141-2024 (NAIA) issued on August 2, 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. HYACINTH A. MIRANDA
Officer-on-Case



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SEIZURE IDENTIFICATION
NO. 141-2024 (NAIA)

-versus-

Forty Thousand Pesos
(Php40,000.00) intercepted brought
in by incoming traveler **LILI ZHOU**
on 24 April 2024.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 24 April 2024, at the NAIA Terminal 1, the hand-carried baggage of a female Chinese traveler named Lili Zhou with Passport Number EH6605300, on board flight PR357 from China, underwent non-intrusive inspection by XIP Inspector Mohamad Jonaid Udasan. Thereafter, the baggage was referred by ESS SA1 Archer Peniza and CIIS SA1 Christian Paul Llovit to Customs Examiner Lee Ann A. Perez

WHEREAS, before conducting physical examination, Customs Examiner Perez asked Traveler Zhou to submit her duly filled-out Customs Baggage Declaration Form (CBDF). It was noted that the traveler answered "No" to all items in the General Declaration of the CBDF, except for item no. 1 which pertains to the Philippine Currency in excess of Php50,000.00. When she asked the traveler if she carried with her Philippine currency of more than Fifty Thousand Pesos (Php50,000.00) she replied in the affirmative. Afterwards, Customs Examiner Perez proceeded with the examination.

WHEREAS, Customs Examiner Perez then asked the traveler how much Philippine Peso did she brought in to which she verbally declared the amount of Ninety Thousand Pesos (Php90,000.00). Customs Examiner Perez explained to the traveler that Philippine Currency in excess of Fifty Thousand Pesos (Php50,000.00) requires a prior authorization from the Bangko Sentral ng Pilipinas (BSP).

WHEREAS, in the presence of the traveler and witnessed by ESS Peniza, CIIS Agent Llovit which was supervised by Flight Supervisor Rosalinda Ros, Customs Examiner Perez conducted the actual examination and counting of the Philippine currency which yielded a total amount of Ninety Thousand Pesos (PHP90,000.00).

WHEREAS, the amount of Fifty Thousand Pesos (Php50,000.00) was returned to the traveler and the remaining Forty Thousand Pesos is withheld under Held Baggage Receipt No. 00100007558 and turned-over to Kate Badon of the In-bond Unit, Baggage Assistance Division for safekeeping.

WHEREAS, in a Memorandum dated 24 April 2024, Customs Examiner Lee Ann A. Perez and Flight Supervisor Rosalinda Ros, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector for Passenger Service, and Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, reported to the District Collector, this Port, the said incident and recommended for the issuance of Warrant of Seizure and Detention against the amount of Forty Thousand Pesos (Php40,000.00) in violation of Section 117 of the CMTA on



Regulated Importation and Exportation; and BSP Circular No. 1146 Series of 2022 entitled "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies".

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

Section 4. Cross-Border Transfer of Local and Foreign Currencies.

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

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 subject Philippine Notes in the amount of Forty Thousand Pesos (Php40,000.00) for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 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 Philippine Notes in Php1,000.00 denomination in total amount of Forty Thousand Pesos (Php40,000.00) intercepted from Chinese traveler named **LILI ZHOU** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, 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, AUG 02 2024, July 2024.

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

Wdy/law/ham





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05 August 2024

MR. DONG HOWN CHANG

Okada Hotel

Subject : Seizure Identification No. 140-2024 (NAIA)
Republic of the Philippines vs. Two Hundred Fifty Thousand
Pesos (Php250,000.00) intercepted from incoming traveler
DONG HOWN CHANG on 03 April 2024

Dear **Mr. Dong Hown Chang**

This refers to the seized currency which is covered by Seizure Identification No. 140-2024 (NAIA) issued on August 2, 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. HYACINTH A. MIRANDA
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 140-2024 (NAIA)

-versus-

Two Hundred Fifty Thousand
Pesos (Php250,000.00)
intercepted from incoming traveler
DONG HOWN CHANG on 03 April
2024.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on or about 2350H of 03 April 2024, at the NAIA Terminal 1, the carry-on baggage of a male Korean traveler named Dong Hown Chang with passport number M18022981, on board flight PR 469 from Korea, was referred by X-ray Inspection Project (XIP) Operator Michael Martinez and was referred by the Enforcement and Security Service (ESS) Special Agent 1 (SA1) Archer Peniza to Customs Examiner Jane A. Celino for physical examination.

WHEREAS, before conducting the physical examination, the Customs Examiner Celino asked the passenger to submit his duly filled out Customs Baggage Declaration Form (CBDF). It was noted that the traveler answered "NO" to all the items in the General Declaration of the CBDF, except for Item No. 1 which pertains to the Philippine Currency which is more than Fifty Thousand Pesos (Php50,000.00). The Customs Examiner asked the traveler if he had Philippine Currency which is more than Fifty Thousand Pesos (Php50,000.00), to which the traveler replied in the affirmative. The Customs Examiner asked the traveler to fill out the Currency Declaration Form (CDF). Afterwards, the Customs Examiner proceeded with the examination.

WHEREAS, the examination yielded to the discovery of One Thousand-Peso bills (Php1,000.00). Again, the Customs Examiner asked the traveler how much Philippine Peso he brought in. The traveler verbally declared that he is bringing a total amount of Three Hundred Thousand Pesos (Php300,000.00), which was also written in the CDF. The Customs Examiner explained to the traveler that Philippine Currency in excess of Fifty Thousand Pesos (Php50,000.00) requires a prior authorization from the Bangko Sentral ng Pilipinas (BSP).

WHEREAS, Customs Examiner proceeded with the actual counting of the Philippine Currency in the presence of the traveler. The procedure was witnessed by SA1 Christian Paul F. Llovit, SA1 Archer Peniza, and was supervised by Acting Flight Supervisor Diana Abigail E. Asilo. The actual amount counted and verified by Customs Examiner Celino is Three Hundred Thousand Pesos only (Php300,000.00)

WHEREAS, after the verified counting of the Philippine Currency, a total amount of Fifty Thousand Pesos (Php50,000.00) was returned to the traveler and a Held Baggage Receipt with number 00100007345 was issued for the excess amount of Two Hundred Fifty Thousand Pesos (Php250,000.00). The confiscated Philippine Currency was turned-over to Annaliza L. Reyes of the In-bond Unit, Baggage Assistance Division for safekeeping.

WHEREAS, in a Memorandum dated 04 April 2024, Customs Examiner Jane A. Celino and Acting Flight Supervisor Diana Abigail E. Asilo, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector



for Passenger Service, and Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, reported to the District Collector, this Port, the said incident and recommended for the issuance of Warrant of Seizure and Detention against the amount of Two Hundred Fifty Thousand Pesos (Php250,000.00) in violation of Section 117 of the CMTA on Regulated Importation and Exportation; and BSP Circular No. 1146 Series of 2022 entitled "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies".

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

Section 4. Cross-Border Transfer of Local and Foreign Currencies.

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

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 subject Philippine Notes in the amount of Two Hundred Fifty Thousand Pesos (Php250,000.00) for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 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 Philippine Notes in Php1,000.00 denomination in total amount of Two Hundred Fifty Thousand Pesos (Php250,000.00) intercepted from Korean passenger named **DONG HOWN CHANG** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, 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, AUG 02 2024 , July 2024.

ATTY. MARIA YASMIN M. OSILLOSARAPA,
District Collector, BOC-NAIA

Wdy/law/ham





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SEIZURE IDENTIFICATION
NO. 139-2024 (NAIA)

-versus-

Fifty (50) pieces Editorial Pure Vitamin C Serum, and fifty (50) pieces Editorial Pure No More Cream, found inside the luggage of incoming passenger **MIN GYU KIM** on 11 December 2023 at NAIA Terminal 1.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above described Fifty (50) pieces Editorial Pure Vitamin C Serum, and fifty (50) pieces Editorial Pure No More Cream for violation of Section 118 (g) and 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order No. 10-2020, in relation to 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.

1. The above-described articles were brought into the country by incoming passenger Min Gyu Kim, a Korean traveler and holder of Passport No. M238K8398, who arrived at NAIA Terminal 1 on 11 December 2023 on board Philippine Airlines Flight PR 469 from Korea.
2. The check-in baggage of passenger Kim underwent the non-intrusive inspection conducted by the XIP and marked with "X" by the Inspector on duty, who, thereafter, referred him to Customs Examiner Jireh Marielle E. Bautista for verification thereof.
3. Before conducting an actual physical examination of the check-in baggage of Mr. Kim, Customs Examiner Bautista requested the passenger to submit his Customs Baggage Declaration Form (CBDF), wherein she noted that passenger Kim answered "NO" to all the items in the General Declaration except Item No. 4 which refers to "Cosmetics, skin-care products, food supplements and **medicines** x x x".
4. Customs Examiner Bautista conducted an actual examination of the check-in baggage of passenger Kim where she found inside the fifty (50) pieces Editorial Pure Vitamin C Serum, and fifty (50) pieces Editorial Pure No More Cream. However, Passenger Kim failed to present the Import Permit/Clearance from the Food and Drug Administration (FDA) for the subject articles.
5. Customs Examiner Bautista withheld the release of the subject skin-care products and issued Held Baggage Receipt No. 00100006063 to passenger Kim and turned over the same to the In-Bond Section, Baggage Assistance Division, this Port, for custody and safekeeping.



6. In a Memorandum for the District Collector dated 31 May 2024, Customs Examiner Jireh Marielle E. Bautista, Flight Supervisor Ivan Paolo B. Durana, with concurrence of Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported the incident and recommended that the assorted skin-care products be held from release while waiting for the submission of the FDA Import Permit/Clearance and payment of the assessed customs duty and tax. However, up to this time, passenger Kim nor his duly authorized representative failed to appear at the Baggage Assistance Division to claim the assorted skin-care products and pay the customs duty and tax imposed thereon. Thus, the recommendation for the issuance of Warrant of Seizure and Detention against the subject goods for lack of FDA Import Clearance in violation of Republic Act No. 9711 or the Food and Drug Administration Act of 2009.

DISCUSSION:

As culled from the records of the instant case, passenger **MIN GYU KIM** brought into the country the subject Fifty (50) pieces Editorial Pure Vitamin C Serum, and Fifty (50) pieces Editorial Pure No More Cream 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:

- (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 substances 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.**” (Emphasis ours)

Relatively, 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 states:

“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, importation, exportation, 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.** (Emphasis ours)



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:

X X X

- (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, the goods brought by passenger to **MIN GYU KIM** is hereby declared *ipso facto* **FORFEITED** for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order (CAO) No. 10-2020, 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 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, AUG 02 2024 July 2024.

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

Law/wady/moz





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SEIZURE IDENTIFICATION
NO. 138-2024 (NAIA)

-versus-

Ten (10) pieces of Collagen, 1000ml, and twenty (20) pieces of Neutralizing Straightening brought in by **NGUYEN THI THAM** on 09 December 2023, and held in custody at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100005613.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the Ten (10) pieces of Collagen, 1000ml, and twenty (20) pieces of Neutralizing Straightening which were brought in by Nguyen Thi Tham upon his arrival on 09 December 2023 for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) 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 Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711 or the Food and Drug Administration Act of 2009.

Culled from the records of the instant case are the following facts and circumstances, viz:

1. The above-described articles were found inside the checked-in baggage of passenger Nguyen Thi Tham, a Vietnamese traveler and holder of Passport No. P02494982, who arrived on 09 December 2023 on Cebu Air Flight 5J745 from Vietnam.
2. His checked-in baggage underwent the non-intrusive inspection and was marked "X" by XIP Inspector on duty, who, thereafter, referred him to Customs Examiner Shenandoah S. Capili for verification.
3. Before conducting an actual examination, Customs Examiner Capili requested Passenger Tham to submit his accomplished Customs Baggage Declaration Form (CBDF). During the actual examination of the checked-in baggage, Customs Examiner Capili found inside ten (10) pieces of Collagen 1000 ml, and twenty (20) pieces of Neutralizing Straightening.
4. Customs Examiner Capili withheld the release of the articles for failure of Mr. Tham to present the required FDA Import Permit, then issued Held Baggage Receipt No. 001005613 and thereafter turned over the same to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.
5. In a Memorandum dated 03 June 2024, Customs Examiner Shenandoah S. Capili and Flight Supervisor Hemerose P. Togonon, thru Atty. Danilo M.



Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended the release of the commodity upon presentation of the necessary FDA Import Permit and payment of the customs duty and tax due thereon.

DISCUSSION

As culled from the records of the instant case, passenger **NGUYEN THI THAM** brought into the country the subject Ten (10) pieces of Collagen, 1000ml, and twenty (20) pieces of Neutralizing Straightening 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:

- (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 substances 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.** (Emphasis ours)

Relatively, 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 states:

“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, importation, exportation, 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.** (Emphasis ours)

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:

X X X

- (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, the subject goods brought by passenger to **NGUYEN THI THAM** is hereby declared *ipso facto* **FORFEITED** for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order (CAO) No. 10-2020, in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Article I (Issuance 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 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, _____ July 2024.

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

Law/wady/moz





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SEIZURE IDENTIFICATION

NO. 137-2024 (NAIA)

-versus-

Three Hundred Ten (310) pieces
Lipstick, sixty (60) pieces
Foundation, and ninety (90) pieces
BB Cream, which were brought in
by Korean traveler **HAN JEONG
UZ** under Held Baggage Receipt
(HBR) No. 00100005691.

X-----X

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-enumerated articles which were confiscated at the Arrival Area upon the arrival of one Han Jeong Uz, a Korean traveler, for violation of Section 118 and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) 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.

Culled from the records of the instant case are the following antecedent facts, viz:

1. The assorted cosmetic products were brought in by incoming passenger Han Jeong Uz, a Korean national and holder of Passport No. M90285643, who arrived on board flight A288 from Korea on 16 December 2023.
2. Passenger Uz's check-in baggage underwent the non-intrusive x-ray examination at the Arrival Area and was marked "X" by the XIP Inspector on duty, who, then referred the same to the Customs Examiner on duty at the Arrival Area for actual physical examination thereof.
3. Before conducting the actual examination, Customs Examiner Kimberly Y. Sangalang asked passenger Uz to submit his accomplished Customs Baggage Declaration Form (CBDF). Going over the same, she took note that passenger Uz answered "No" to all the items on page 3 thereof.
4. Thereafter, Customs Examiner Sangalang conducted an actual physical examination of the luggage of passenger Uz which yielded the following:

310 pieces	Lipstick
60 pieces	Foundation
90 pieces	BB Cream
5. After the discovery of the above-enumerated articles, Customs Examiner Sangalang explained to passenger Uz that importation of cosmetics should be covered by a prior Import Permit or Clearance from the Food and Drug Authority (FDA) before they could be released. Passenger Uz was also asked to submit an Invoice for the assorted cosmetic products, but he could not present any. Thus, Customs Examiner Sangalang withheld the release and issued Held Baggage Receipt No. 00100005691 for custody of the subject articles pending the submission of the required Import Permit or Clearance



from the FDA and Invoice for the assessment of the customs duties and taxes due thereon. Thereafter, the assorted cosmetics were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

6. In a Memorandum dated 03 June 2024 for the District Collector, this Port, Customs Examiner Kimberly Sangalang and Acting Flight Supervisor Dianne Karen Caceres, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported the incident and recommended for the issuance of Warrant of Seizure and Detention against the assorted cosmetics for lack of the required Import Permit/Clearance from the Food and Drug Administration, 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 **HAN JEONG UZ** brought into the country the subject goods 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:

- (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 substances 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.**” (Emphasis ours)

Relatively, 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 states:

“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, importation, exportation, 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.** (Emphasis ours)



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:

X X X

- (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, the subject goods brought by passenger to **HAN JEONG UZ** is 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 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, AUG 02 2024 July 2024.

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

Law/wady/ey/IV

