



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,

Seizure Identification  
No. 2024-011

- versus -

Private Yacht "MR. KIWI" allegedly used  
in transporting 1.4 Tons of Illegal Drugs in  
Nasugbu, Batangas,

**UNKNOWN CLAIMANT.**

X-----/

## NOTICE OF DECISION

You are hereby notified by these presents that the District Collector, Port of Manila, rendered a DECISION on August 15, 2024, in the above-entitled case, copy of which is hereto attached.

Port of Manila, Philippines, August 15, 2024.

FOR THE DISTRICT COLLECTOR:

  
**ATTY. EDGARDO T. PADRE, JR.**  
Chief, Law Division





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Republic of the Philippines,

- versus -

Seizure Identification  
No. 2024-011

One vessel/yacht with name "**MR. KIWI**" allegedly used in transporting 1.4 Tons of Illegal Drugs in Nasugbu, Batangas,

**UNKNOWN CLAIMANT.**

x ===== x

**DECISION**

This resolves the seizure proceedings instituted against the above-mentioned private vessel/yacht "**MR. KIWI**" for violation of Section 1113 of R.A. 10863, otherwise known as the "Customs Modernization and Tariff Act" (CMTA).

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

In a Memorandum dated 26 April 2024, IO II Joel C. Pinawin, MPA, Field Station Chief, CIIS – POM, recommended the issuance of a Warrant of Seizure and Detention (WSD) against Vessel/Yacht "**MR. KIWI**", allegedly used in Transporting 1.4 Tons of Illegal Drugs in Nasugbu, Batangas.

On 03 June 2024, finding existence of probable cause, the District Collector, this Port, issued a WSD against private yacht "**MR. KIWI**" for violation of Section 1113 of R.A. 10863 otherwise known as the "Customs Modernization and Tariff Act (CMTA)".

On 04 June 2024, SPC Isabelo A. Tibayan III, Acting Director, ESS, issued Mission Order No. 022-2024, to serve WSD against the Private Yacht "**MR. KIWI**" docked at Nasugbu, Batangas.

On 06 June 2024, SP/LT Cipriano L. Bernabe, Team Leader, Supervisor for Operations and Special Agent I Mark Anthony R. Quidlat, submitted a Memorandum stated that with no known claimant and given the current custody of the said yacht, a copy of the WSD was personally served and received by PNP Police Major Calipio Jr. Also, copy of said WSD was conspicuously posted both inside and outside the yacht, presently docked at a private wharf inside the exclusive subdivision of Yanarra Seaside Residences, Barangay Wawa, Nasugbu, Batangas. On the same date, seized yacht had been constructively turned over to the Auction and Cargo Disposal Division (ACDD), this Port.

On 14 June 2024, Notice of Hearing was sent to the duly authorized representative of the Director, Legal Service, informing them that a hearing will be conducted on 20 June 2024 at 2:00 P.M.

On 18 June 2024, copy of the Notice of Hearing was also posted on Website and Bulletin Board of the Bureau of Customs.

On the time and date of hearing, the Government Prosecutor, Atty. Rolex Argoso appeared. He manifested that subject private yacht be forfeited in favor of the government. The claimant failed to appear prompting this Office to conclude that the claimant is no longer interested in the prosecution of its case or has waived its rights over the said yacht.

Thereafter, the case was submitted for resolution based on the uncontroverted records.



In the instant case, the vessel was allegedly used in the transport of around 1.4 tons of illegal drugs to Nasugbu, Batangas. This was contained in the after-mission report of , IO II Joel C. Pinawin, MPA, Field Station Chief, CIIS – POM. This was also used as the basis for seizure of the said vessel under the CMTA. Such allegation was not controverted by anyone despite due notice to all who may have a claim or interest in the subject vessel.

Thus, in the absence of any evidence to refute the violation and for failure of the claimant to comply with the required procedures, this Office finds the above-described yacht liable for forfeiture for violation of the following provisions of the CMTA:

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

- (a) **Any vehicle, vessel or aircraft, including cargo, which shall be used unlawfully in the importation or exportation of goods or in conveying or transporting smuggled goods in commercial quantities into or from any Philippine port or place.** The mere carrying or holding on board of smuggled goods in commercial quantities shall subject such vehicle, vessel, aircraft, or any other craft to forfeiture: *Provided*, That the vehicle, vessel, aircraft or any other craft is not used as a common carrier which has been chartered or leased for purposes of conveying or transporting persons or cargo;
- (l) Goods sought to be imported or exported;
  - 1. Without going through a customs office, whether the act was consummated, frustrated, or attempted;
  - 2. 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.” (emphasis supplied)

Furthermore, herein Claimant failed to overcome the burden of proof that is required in forfeiture proceedings, to wit:

**“Section 1123.** In all proceedings for the forfeiture of any vehicle, vessel, aircraft, or goods under this Act the burden of proof shall be borne by the Claimant.”

**WHEREFORE**, premises considered and by virtue of the authority vested in me by law, it is hereby ordered and decreed that the vessel/yacht **“MR. KIWI”** presently docked at a private wharf inside the exclusive subdivision of Yanarra Seaside Residences, Barangay Wawa, Nasugbu, Batangas, be **FORFEITRED** 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,           AUG 15 2024          .

  
**RIZALINO JOSE L. TORRALBA**  
District Collector  
Port of Manila

