



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. 2024-015

- versus -

Private Yacht "S/Y ARAGORN" allegedly
used in transporting 1.4 Tons of Illegal
Drugs in Nasugbu, Batangas,

JAMES MARTIN,
Claimant.

X-----/
Republic of the Philippines,

Seizure Identification
No. 2024-016

- versus -

Private Yacht "SPOONTUZ" allegedly
used in transporting 1.4 Tons of Illegal
Drugs in Nasugbu, Batangas,

JAMES MARTIN,
Claimant.

X-----/

NOTICE OF DECISION

You are hereby notified by these presents that the District Collector, Port of Manila, rendered a DECISION on August 08, 2024, in the above-entitled case, copy of which is hereto attached.

Port of Manila, Philippines, August 09, 2024.

FOR THE DISTRICT COLLECTOR:


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





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Private Yacht "S/Y ARAGORN", used in transporting 1.4 tons of illegal Drugs to Nasugbu, Batangas,

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- versus -

Private Yacht "SPOONTUZ" used in transporting 1.4 tons of illegal drugs to Nasugbu, Batangas,

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DECISION

This is a consolidated decision that resolves the seizure proceedings instituted against the above-mentioned vessels for violation of Section 1113 of R.A. 10863 otherwise known as "Customs Modernization and Tariff Act" (CMTA);

The antecedent facts of this case are as follows:

In an investigation conducted by the CIIS, several private yachts registered as "**MR. KIWI**", "**S/Y ARAGORN**", and "**SPOONTUZ**", were found to be owned by a certain James Martin. Based on the report of the CIIS operatives the private imported vessels were allegedly used to transport 1.4 tons of illegal drugs to Nasugbu, Batangas.

In a Memorandum dated 11 June 2024, IO II Joel C. Pinawin, MPA, Field Station Chief, CIIS-POM, recommended the issuance of a Warrant of Seizure and Detention against the subject vessels pursuant to Section 1113 of the CMTA;

On 27 June 2024, finding existence of probable cause, a Warrant of Seizure and Detention (WSD) was issued by the District Collector, this Port, against private yachts "**S/Y ARAGORN**", and "**SPOONTUZ**" for violation of Section 1113 of R.A. 10863 otherwise known as "Customs Modernization and Tariff Act" (CMTA).

On 01 July 2024, Notices of Hearing were sent to Legal Service Director's authorized representative and the Chief's authorized representative, CIIS-POM, informing the parties that a hearing will be conducted



on 05 July 2024 at 10:00 a.m. The copy of the said notice for the claimant was posted on the Bulletin Board and website of the Bureau of Customs.

On the time and date of hearing, owner/representative of 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 subject matter.

In the absence of any evidence to refute the violation and for failure of the owner/claimant to comply with the required procedures, this Office finds the above-described vessel 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;

xxx

xxx

xxx

- (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, by virtue of the authority vested in me by law, it is hereby ordered and decreed that the private yachts **"S/Y ARAGORN"** and **"SPOONTUZ"**, presently docked in Brgy. Maya Maya, Nasugbu, Batangas, be **FORFEITED** in favor of the Government to be disposed of in the manner provided for by law.

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

SO ORDERED.

Port of Manila, Philippines, AUG 08 2024


RIZALINO JOSE C. TORRALBA
District Collector
Port of Manila

