




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 : **19 SEPTEMBER 2024**

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

- 1. SEIZURE IDENTIFICATION NO. 202-2024 (NAIA) :** Republic of the Philippines vs. Ninety-Nine Thousand Five Hundred Philippine Peso (Php99,500.00) intercepted from incoming traveler **GEONHO KIM** on 23 July 2024; and
- 2. SEIZURE IDENTIFICATION NO. 203-2024 (NAIA) :** Republic of the Philippines vs. One Million Five Hundred Japanese Yen (JPY1,500,000.00) seized from incoming passenger **HIROAKI NAKAMURA** and **YOSHIAKI NAKAMURA**, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100008650.

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. 202-2024 (NAIA) and 203-2024 (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.





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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 202-2024 (NAIA)

-versus-

Ninety-Nine Thousand Five
Hundred Philippine Peso
(Php99,500.00) intercepted from
incoming traveler **GEONHO KIM**
on 23 July 2024.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 23 July 2024, at around 0135H, the hand-carried baggage of a male Korean traveler named Geonho Kim with Passport Number M200Z2649, on board flight PR 419 from Busan, South Korea had undergone non-intrusive inspection by X-ray Inspector SAI Mohammad Jonaid Udasan. The traveler and his accompanied baggage were later referred to the above-signed Customs Examiner for Physical Examination based on the image of bills seen in the traveler's baggage.

WHEREAS, before conducting the physical examination, the Customs Examiner explained to the traveler that his carry-on bag needed to undergo physical examination. The traveler was asked to show his E-Travel generated QR code and passport. Upon checking the information in the electronic Customs Baggage Declaration Form (E-CBDF), it was noted that the traveler answered "NO" to all the questions in the General Declaration.

WHEREAS, the Customs Examiner together with ESS SA1 Dean Paul Oran and Flight Supervisor Princess Tanya R. Atienza, invited the traveler to the exclusion room for the physical examination or the latter's hand-carried baggage.

WHEREAS, the physical count yielded One Hundred Forty-Nine (149) pieces of One Thousand and one (1) piece of Five Hundred Philippine Peso-bills equivalent to One Hundred Forty-Nine Thousand Five Hundred Pesos (Php149,500.00).

WHEREAS, after the verified counting, the Customs Examiner asked the traveler if he secured a prior written authorization from the Bangko Sentral ng Pilipinas (BSP), to which he replied in the negative. The amount of Ninety-Nine Thousand Five Hundred Pesos (Php99,500.00) was confiscated in violation of Section 1113 in relation to Section 117 of the CMTA and BSP Circular No. 922 as amended by BSP Circular No. 1146.

WHEREAS, a held Baggage Receipt with number 00100008481 was issued for the amount of Ninety Nine Thousand Five Hundred Philippine Peso (Php99,500.00) to the passenger. The confiscated Philippine notes were turned over to COO I Hamimah H. Mangondoya of the In-bond Unit, Baggage Assistance Division. The amount of Fifty Thousand Pesos (Php50,000.00) was returned to the traveler.

WHEREAS, in a Memorandum dated 01 August 2024, Acting Flight Supervisor Princess Tanya R. Atienza and Customs Examiner Ariane Krisette M. Andaya, thru Acting Deputy Collector for Passenger Service Norsalem Raymond M. Mama-O, Arrival Operations Division Chief Atty. Danilo M. Campos Jr. and Assistant Deputy Collector for



Passenger Service Mark Jhon O. Almase, Ph.D. 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 Ninety-Nine Thousand Five Hundred Philippine Peso (Php99,500.00) 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 currencies 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 currencies intercepted from traveler **GEONHO KIM** 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, SEP 18 2024 September 2024.

Wdy/law/ham

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





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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19 September 2024

MR. GEONHO KIM
Novu Hotel, City of Dreams
Pasay City

Subject : Seizure Identification No. 202-2024 (NAIA)
Republic of the Philippines vs. Ninety-Nine Thousand Five
Hundred Philippine Peso (Php99,500.00) intercepted from
incoming traveler **GEONHO KIM** on 23 July 2024

Dear **Mr. Geonho Kim**

This refers to the seized goods which is covered by Seizure Identification No. 202-2024 (NAIA) issued on September 18, 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 seized goods, 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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REPUBLIC OF THE PHILIPPINES

-versus-

One Million Five Hundred Japanese Yen (JPY1,500,000.00) seized from incoming passengers **HIROAKI NAKAMURA** and **YOSHIAKI NAKAMURA**, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100008650.

X-----X

SEIZURE IDENTIFICATION
NO. 203-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 11 August 2024, Japanese travelers Yoshiaki Nakamura and Hiroaki Nakamura, holders of Passport Numbers TT3077885 and TR8451110, respectively, arrived on board Japan Airlines Flight JL 745 from Japan.

WHEREAS, their carry-on luggage underwent the non-intrusive x-ray scanning by XIP Inspector Michael Martinez, who, thereafter, referred them to Acting Customs Examiner Melody D. Garcia for verification thereof.

WHEREAS, before conducting the actual examination, Customs Examiner Garcia asked from Yoshiaki and Hiroaki Nakamura, who were later on identified as brothers, their e-Travel QR Code for scanning, to which both complied. Passenger Yoshiaki Nakamura also submitted his duly accomplished Customs Baggage Declaration Form (CBDF) and after going over the same, Customs Examiner Garcia noted that Mr. Yoshiaki answered "NO" to all the items in the General Declaration.

WHEREAS, Customs Examiner Garcia opened Mr. Yoshiaki's handcarried luggage wherein she discovered an undeclared amount of Japanese Yen inside. Thereafter, she proceeded with the actual examination and counting under the supervision of Flight Supervisor Patrick G. Guerrero and witnessed by SAI Chucky Austria and CIIS Agent Jeffrey Asis, which yielded the total amount of Four Million Five Hundred Thousand Japanese Yen (JPY4,500,000.00).

WHEREAS, based on the prevailing rate of 1JPY to 0.006794USD, the undeclared amount of JPY4,500,000.00 is equivalent to USD30,573.00, which is more than the threshold of US\$10,000.00 which is allowed for every traveler to carry without the required BSP Permit/Clearance. Thereafter, the amount of Three Million Japanese Yen (JPY3,000,000.00) which is equivalent to Twenty Thousand Three Hundred Eight Two US Dollars (USD20,382.00), was returned to passengers Yoshiaki and Hiroaki Nakamura, and the remaining excess amount of JPY1,500,000.00 was turned over to the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt (HBR) No. 00100008650 for custody and safekeeping.



WHEREAS, in a Memorandum dated 16 August 2024, Acting Customs Examiner Melody D. Garcia and Flight Supervisor Patrick G. Guerrero, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark 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 undeclared amount of JPY4,500,000.00 be seized for violation of Section 1113 of the Customs Modernization and Tariff Act (CMTA), in relation to BSP Circular No. 507, series of 2006, particularly referring to "Foreign Currency Notes/Coins/Other Monetary Instruments".

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), is instructive and authoritative, and provides that:

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

X X X X X X

2. 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 US\$10,000.00 or its equivalent is required to declare the whole amount brought into or taken out of the Philippines using the prescribed Currency Declaration Form." (Underline for emphasis)

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules, and regulations, the NAIA District Collector found probable cause for the issuance of Warrant of Seizure and Detention against the subject currencies for violation of Section 117 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"

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 currencies intercepted from incoming passengers **HIROAKI NAKAMURA** and **YOSHIAKI NAKAMURA** 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.

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SO ORDERED.

BOC-NAIA, Pasay City, SEP 18 2024, September 2024.

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

Law/wady/moz





REPUBLIC OF THE PHILIPPINES
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19 September 2024

**MR. HIROAKI NAKAMURA and
MR. YOSHIKI NAKAMURA**
Bay Graden Manila
Pasay City

Subject : Seizure Identification No. 203-2024 (NAIA)
Republic of the Philippines vs. One Million Five Hundred
Japanese Yen (JPY1,500,000.00) seized from incoming
passenger **HIROAKI NAKAMURA** and **YOSHIKI
NAKAMURA**, and held in custody at the In Bond Section,
Baggage Assistance Division, under Held Baggage Receipt
No. 00100008650

Dear **Mr. Hiroaki Nakamura**
Mr. Yoshiaki Nakamura

This refers to the seized goods which is covered by Seizure Identification No. 203-2024 (NAIA) issued on September 18, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

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Kindly send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,

Manuel O. Zurbito Jr.
ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case



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