



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. 2024-027

- versus -

Shipment of 1x40' Container bearing Container Van No. SEKU9239941 stc: Twenty-Five Thousand (25,000) Kgs Fresh Onion, which arrived on 16 July 2024, at the Port of Manila from China on board the vessel "GREEN PACIFIC", with Registry No. SIC-084, covered by Bill of Lading No. GP2428SMS3603R,

**JRA AND PEARL ENTERPRISE INC.,**  
Claimant.

X-----/

## NOTICE OF DECISION

TO: The President/General Manager  
**JRA AND PEARL ENTERPRISE INC.**  
2430 Emilia St., Dr. A. Santos Ave.,  
Brgy. San Isidro, Sucat,  
Parañaque City

You are hereby notified by these presents that the District Collector, Port of Manila, rendered a DECISION on October 29, 2024, in the above-entitled case, copy of which is hereto attached.

Port of Manila, Philippines, October 29, 2024.

FOR THE DISTRICT COLLECTOR:

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





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Claimant.

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## DECISION

This resolves the seizure proceeding instituted against the above-mentioned goods pursuant to Sections 117 and 1113 of the Customs Modernization and Tariff Act (CMTA) in relation to Article VIII Section 28 of DA Department Circular No. 04 series of 2016.

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

On 16 July 2024, a shipment of 1x40' container bearing Container Van No. SEKU9239941 said to contain Twenty-Five Thousand (25,000) kgs. of Fresh Onions arrived at the Port of Manila from China on board the vessel "GREEN PACIFIC", with Registry No. SIC-084, covered by Bill of Lading No. GP2428SMS3603R and consigned to **JRA AND PEARL ENTERPRISE INC. ("JRA"** for brevity);

In a letter dated 22 August 2024, Henrick B. Exconde, Area Manager, PQS-South Harbor Port of Manila, requested for the issuance of a Warrant of Seizure and Detention (WSD) against the subject shipment for failure to secure the required Sanitary and Phytosanitary Import Clearance (SPSIC) from Bureau of Plant and Industry, Department of Agriculture.

On 13 September 2024, finding existence of probable cause, the District Collector, this Port, issued a Warrant of Seizure and Detention docketed as Seizure Identification No. 2024-027 against the above-mentioned shipment pursuant to Sections 117 and 1113 of the Customs Modernization and Tariff Act (CMTA) in relation to Article VIII Section 28 of DA Department Circular No. 04 series of 2016;

In a Memorandum dated 19 September 2024, Special Agent I Alvin C. Rollon of CPD-ESS, returned the unserved Warrant of Seizure and Detention since the consignee cannot be found at the registered address, as confirmed in the Certification dated 18 September 2024 issued and signed by the Barangay Captain and Officer on Duty of Barangay San Isidro, Parañaque City.



On 02 October 2024, a notice was posted at the Bureau of Customs website informing the owner/claimant that the District Collector of Port of Manila issued a Warrant of Seizure and Detention docketed as Seizure Identification No. 2024-027 on 13 September 2024.

The case was set for hearing on 04 October 2024 at 10:00 A.M. at the Office of the Law Division (2<sup>nd</sup> Floor, Pre-Fabricated Building, Bureau of Customs, Gate 3, South Harbor, Port Area, Manila) and a copy of the Notice of Hearing was sent to the Claimant on record at its given address through LBC Courier as evidenced by Official Receipt No. PRT011524, which notice, in all probability, was received by the Claimant as the same was not returned by the said courier;

On the above-mentioned date and time of hearing, Atty. Annabelle Dabu, Government Prosecutor, Jacqueline R. Ramos and Chandler G. Jallorina, BPI-DA representatives, appeared. Herein claimant 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 its case or have waived its rights over the said goods.

In the absence of any evidence to refute the violation charged against the subject goods, this Office finds the above-described articles liable for forfeiture pursuant to Section 1113 of the CMTA, in relation to which provides, to wit:

**“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;
- (l) Goods sought to be imported or exported;
  - (1) Through a false declaration or affidavit executed by the owner, importer, exporter, or consignee concerning the importation of such goods;
  - (2) 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
  - (3) Through any other practice or device contrary to law by means of which such goods entered through a customs office to the prejudice.

Furthermore, Section 117 of the CMTA provides that:

**“Sec. 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, prior to importation or exportation. In case of importation, submission of 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 or regulations.”

Moreover, herein Claimant failed to overcome the burden of proof 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 that the shipment of 1x40' container bearing Container Van No. SEKU9239941 said to contain Twenty-Five Thousand (25,000) kgs. of Fresh Onions arrived at the Port of Manila from China on board the vessel "GREEN PACIFIC", with Registry No. SIC-084, covered by Bill of Lading No. GP2428SMS3603R and consigned to **JRA AND PEARL ENTERPRISE INC.**, be **FORFEITED** in favor of the government to be disposed of in the manner provided for by law, to wit:

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

**SO ORDERED.**

Port of Manila, Philippines, OCT 29 2024

  
**ALEXANDER GERARD E. ALVIAR**  
District Collector  
Port of Manila

