



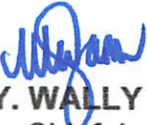
REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF CUSTOMS**

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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  
DECISION OF FORFEITURE AND WARRANT OF SEIZURE  
AND DETENTION (WSD)**

**DATE :** **28 OCTOBER 2024**

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

1. **SEIZURE IDENTIFICATION NO. 215-2024 (NAIA)** : Republic of the Philippines vs. Eight Million Five Hundred Forty Thousand Japanese Yen (JPY8,540,000.00) intercepted from incoming passengers **MASAKI UEDA** on 04 September 2024;
2. **SEIZURE IDENTIFICATION NO. 222-2024 (NAIA)** : Republic of the Philippines vs. Four (4) units of Vape flavored E-cigarettes brought in by one **HAISHENG SHI** who arrived on 23 March 2024 on board Flight ZH 9011 from China and held in custody under Held Baggage Receipt No. 00540915 at the In Bond Section, Baggage Assistance Division;
3. **SEIZURE IDENTIFICATION NO. 224-2024 (NAIA)** : Republic of the Philippines vs. Twenty -Six (26) units of Assorted Flavored E-Cigarettes (VapGo) brought in by **QIAN XU** who arrived on 23 March 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007198;
4. **SEIZURE IDENTIFICATION NO. 225-2024 (NAIA)** : Republic of the Philippines vs. Eight (8) boxes of ADVKEN Vape brought in by **ZHENZHOU LIU** who arrived on 31 May 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007840;
5. **SEIZURE IDENTIFICATION NO. 228-2024 (NAIA)** : Republic of the Philippines vs. Eight (8) Reams of Cigarettes brought in by Japanese traveler **NORIYUKI SHIBATA** on 06 June 2024; and



6. **SEIZURE IDENTIFICATION NO. 232-2024 (NAIA)** : Republic of the Philippines vs. Ten (10) boxes of Tea brought in by incoming passenger **WUJU XU** who arrived on 28 April 2024 at NAIA Terminal 1 and Held in custody under Held Baggage Receipt No. 00100007604.

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. 215-2024 (NAIA), 222-2024 (NAIA), 224-2024 (NAIA), 225-2024 (NAIA), 228-2024 (NAIA) and 232-2024 (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](mailto:Piad@customs.gov.ph) and [Jessil.garlando@customs.gov.ph](mailto:Jessil.garlando@customs.gov.ph).





REPUBLIC OF THE PHILIPPINES  
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22 October 2024

**MR. MASAKI UEDA**  
c/o Mr. Gordon M. Tan  
36th Floor Pearl of the Orient Tower  
1240 Roxas Boulevard, Ermita, Manila

**Subject : Seizure Identification No. 215-2024 (NAIA)**  
Republic of the Philippines vs. Eight Million Five Hundred Forty  
Thousand Japanese Yen (JPY8,540,000.00) intercepted from  
incoming passenger **MASAKI UEDA** on 04 September 2024

Dear **Mr. Masaki Ueda**

This refers to the seized goods which is covered by Seizure Identification No. 215-2024 (NAIA) issued on October 22, 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](mailto: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-

Eight Million Five Hundred Forty  
Thousand Japanese Yen  
(JPY8,540,000.00) intercepted  
from incoming passengers  
**MASAKI UEDA** on 04 September  
2024.

X-----X

SEIZURE IDENTIFICATION  
NO. 215-2024 (NAIA)

**WARRANT OF SEIZURE AND DETENTION**

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

WHEREAS, on 04 September 2024 at around 1815H, the carry-on baggage of a male Japanese traveler named Masaki Ueda, holder of a passport with number TS1403999, on board flight Z2 189 from Japan, underwent non-intrusive inspection by Jayson Billante of the X-Ray Inspection Project (XIP) and was referred by to Customs Examiner Jewel Irish G. Abuejela for physical examination.

WHEREAS, before conducting physical examination, Customs Examiner Abuejela 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. The Customs Examiner, together with ESS Archer Peniza, CIIS SA1 Hashoba Sarip and Flight Supervisor Manuel J. Mendoza invited the traveler to the exclusion room for the physical examination of the traveler's baggage.

WHEREAS, the physical count yielded to the discovery of undeclared foreign currency amounting to Nine Million Nine Hundred Ninety Thousand Japanese yen (JPY9,990,000.00) equivalent to Sixty-Eight Thousand Nine Hundred One US Dollars and Three Centavos (USD68,901.03) using the prevailing exchange rate of JPY 1=USD0.006897 published by the Bangko Sentral ng Pilipinas (BSP).

WHEREAS, after the verified counting, the amount of Eight Million Five Hundred Forty Thousand Japanese Yen (JPY8,540,000.00) was held in-bond due to the traveler's non-declaration of the foreign currency. A held baggage receipt with number 00100011418 was issued to traveler Ueda. The confiscated foreign notes were turned-over to Hamimah Mangondaya of the In-bond Unit, Baggage Assistance Division. The amount of One Million Four Hundred Fifty Thousand Japanese Yen (JPY1,450,000.00) equivalent to Ten Thousand US Dollars (USD10,000.00) was returned to the traveler. The procedure was done in the presence of the traveler and witnessed by ESS SA1 Archer Peniza, CIIS SA1 Hashoba Sarip and supervised by Flight Supervisor Manuel J. Mendoza.

WHEREAS, on 05 September 2024, Customs Examiner Jewel Irsih Abuejela, Flight Supervisor Manuel J. Mendoza 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 1400 (Misdeclaration) in relation to Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA) and Bangko Sentral ng Pilipinas (BSP) Circular No. 1146 Series of 2022-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), 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 passenger **MASAKI UEDA** for violation of Section 117 and Section 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, OCT 22 2024, October 2024.

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

Wdy/law/ham





REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
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22 October 2024

**MR. HAISHENG SHI**  
1345 Alabang-Zapote Road  
(The Exelsior Hotel)

**Subject : Seizure Identification No. 222-2024 (NAIA)**  
Republic of the Philippines vs. Four (4) units of Vape flavored E-cigarettes brought in by one **HAISHENG SHI** who arrived on 23 March 2024 on board Flight ZH 9011 from China and held in custody under Held Baggage Receipt No. 00540915 at the In Bond Section, Baggage Assistance Division

Dear **Mr. Haisheng Shi**


This refers to the seized goods which is covered by Seizure Identification No. 222-2024 (NAIA) issued on October 22, 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](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

  
**ATTY. EMILIO Y. LEGASPI IV**  
Officer-in-Charge



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REPUBLIC OF THE PHILIPPINES

-versus-

Four (4) units of Vape flavored E-cigarettes brought in by one **HAISHENG SHI** who arrived on 23 March 2024 on board Flight ZH 9011 from China and held in custody under Held Baggage Receipt No. 00540915 at the In Bond Section, Baggage Assistance Division.

X-----X

SEIZURE IDENTIFICATION  
NO. 222-2024 (NAIA)

**WARRANT OF SEIZURE AND DETENTION**

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

WHEREAS, on 23 March 2024, Haisheng Shi, a male Chinese traveler and holder of Passport No. E41076249, arrived at the NAIA Terminal 1 on board flight ZH 9011 from China.

WHEREAS, Passenger Shi's luggage underwent a non-intrusive inspection and was referred by XIP Inspector Mohamad Junaid Udasan to Jessica F. Castor, Customs Examiner for physical examination.

WHEREAS, upon actual examination, Customs Examiner Castor found that the luggage of passenger Shi contained four (4) units of Vape flavored E-cigarettes. She informed passenger Shi that importation of these articles requires prior permit/clearance from the Food and Drug Administration (FDA). Failing to submit the latter requirement, the articles were withheld from release and were turned over to the In Bond Section, Baggage Assistance Division, this Port, after issuance of Held Baggage Receipt No. 00540915.

WHEREAS, in a Memorandum dated 31 May 2024, Customs Examiner Jessica F. Castor and Flight Supervisor Michelle Ann M. Untalan, 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 that the release of the subject articles be given due course only upon the presentation of the required Permit and/or Clearance pursuant to Section 19 of Republic Act 11900, and only after payment of the duties and taxes assessed thereon.

WHEREAS, in a Memorandum dated 22 August 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, recommended that the four (4) units of vape flavored E-cigarettes brought in by passenger Haisheng Shi be seized for lack of FDA Import Clearance violation of Republic Act No. 9711 otherwise known as the Food and Drug Administration Act of 2009.

WHEREAS, on this score, Republic Act No. 11900 otherwise known as the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" provides that:



**"Section 19. Product Registration.** — All manufacturers and importers of the following products shall register with the DTI by submitting information demonstrating conformity with Section 18 of this Act:

- (a) HTP Consumable;
- (b) HTP Device;
- (c) Vapor Product Refill;
- (d) Vapor Product Device; and
- (e) Novel Tobacco Products."

Further, Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) on the Implementing Rules and Regulations of Republic Act No. 11900 provides that:

## **RULE II DECLARATION OF POLICY**

xxx

"For this purpose, the government shall regulate the importation, assembly, manufacture, sale, packaging, distribution, use, advertisement, promotion and sponsorship of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in order to promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors and the illicit trade of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in the country are prevented.

## **RULE XI PRODUCT REGISTRATION**

*All manufacturers and importers of the covered products shall apply for product registration and certification with the BPS by submitting information demonstrating conformity with the technical regulations set by the office."*

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 of the subject goods brought in by one Haisheng Shi for violation of Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 12 (j) of Republic Act No. 11900 otherwise known as "An Act Regulating the Manufacture, Sale, Packaging, Distribution, Use and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products", and implemented by DTI Department Administrative Order No. 22-16 series of 2022.





**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 goods brought in by one **HAISHENG SHI** for violation of Republic Act No. 11900 as implemented by Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) and Section 1400, and Section 1113 (f) in relation to Sections 117 of the Customs Modernization and Tariff Act (CMTA); and to turn over the same to the Auction and Cargo Disposal Division, pursuant to CAO No. 10-2020 and related issuances, pending the resolution of the seizure case before 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, OCT 22 2024, October 2024.

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

*Law/wady/tsy*





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22 October 2024

**MR. QIAN XU**  
New World Hotel Metro Manila

**Subject : Seizure Identification No. 224-2024 (NAIA)**  
Republic of the Philippines vs. Twenty -Six (26) units of Assorted Flavored E-Cigarettes (VapGo) brought in by **QIAN XU** who arrived on 23 March 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007198

Dear **Mr. Qianj Xu**

This refers to the seized goods which is covered by Seizure Identification No. 224-2024 (NAIA) issued on October 22, 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](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

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



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-versus-

Twenty-Six (26) units of Assorted Flavored E-Cigarettes (VapGo) brought in by **QIAN XU** who arrived on 23 March 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007198

X-----X

SEIZURE IDENTIFICATION  
NO. 224-2024 (NAIA)

**WARRANT OF SEIZURE AND DETENTION**

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

WHEREAS, on 23 March 2024, a male Chinese passenger named Qian Xu with Passport No. EF8617125 arrived at NAIA Terminal 1 on board flight ZH 9011 from China.

WHEREAS, on even date, the carry-on baggage of the passenger underwent a non-intrusive inspection conducted by XIP Operator Mohamad Jonaid Udasan and was referred to Customs Examiner Jessica F. Castor for physical examination.

WHEREAS, before conducting the physical examination, Customs Examiner asked the traveler to submit his filled-out Customs Baggage Declaration Form (CBDF). It was noted that passenger Qian Xu answered "NO" to all items on the 3<sup>rd</sup> page of the CBDF, except for item no. 7 which pertains to "Alcohol and/or Tobacco Products in commercial quantities". Customs Examiner asked the passenger if he had anything to declare to which he responded in the affirmative.

WHEREAS, Customs Examiner Castor conducted the physical examination which led to the discovery of Twenty Six (26) units of Assorted Flavored E- Cigarettes (VapGo).

WHEREAS, for failure to present the necessary permit/clearance, a Held Baggage Receipt No. 00100007198 was issued to passenger Qian Xu. The items were then turned over to Annaliza Reyes of the In-Bond Unit, Baggage Assistance Division for safekeeping.

WHEREAS, in a Memorandum dated 23 April 2024 addressed to the District Collector, this port, Customs Examiner Jessica F. Castor, Acting Flight Supervisor, Michelle Ann M. Untalan, thru Atty. Danilo M. Campos Jr., Chief, Arrival Operations Division and Norsalem Raymond M. Mama-c, Acting Deputy Collector for Passenger Service submitted their incident report and recommended for the presentation of corresponding import Permit/Clearance from the Food and Drug Administration (FDA) and payment of the duties and taxes.

WHEREAS, on this score, Republic Act No. 11900 otherwise known as the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" provides that:

**"Section 19. Product Registration.** — All manufacturers and importers of the following products shall register with the DTI by



submitting information demonstrating conformity with Section 18 of this Act:

- (a) HTP Consumable;
- (b) HTP Device;
- (c) Vapor Product Refill;
- (d) Vapor Product Device; and
- (e) Novel Tobacco Products.”

Further, Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) on the Implementing Rules and Regulations of Republic Act No. 11900 provides that:

## **RULE II DECLARATION OF POLICY**

xxx

“For this purpose, the government shall regulate the importation, assembly, manufacture, sale, packaging, distribution, use, advertisement, promotion and sponsorship of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in order to promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors and the illicit trade of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in the country are prevented.

## **RULE XI PRODUCT REGISTRATION**

*All manufacturers and importers of the covered products shall apply for product registration and certification with the BPS by submitting information demonstrating conformity with the technical regulations set by the office.”*

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 of the subject goods brought in by incoming Passenger Qian Xu for violation of Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 12 (j) of Republic Act No. 11900 otherwise known as “An Act Regulating the Manufacture, Sale, Packaging, Distribution, Use and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products”, and implemented by DTI Department Administrative Order No. 22-16 series of 2022.



**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 goods brought in by incoming Passenger **QIAN XU** for violation of Republic Act No. 11900 as implemented by Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) and Section 1400, and Section 1113 (f) in relation to Sections 117 of the Customs Modernization and Tariff Act (CMTA); and to turn over the same to the Auction and Cargo Disposal Division, pursuant to CAO No. 10-2020 and related issuances, pending the resolution of the seizure case before 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,                      **OCT 22 2024**, October 2024.

**ATTY. MARIA YASMIN M. DE LOS ANA**,  
District Collector, BOC-NAIA

*Law/wady/tsy*





REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
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22 October 2024

**MR. ZHENZHOU LIU**  
City Garden Hotel

**Subject : Seizure Identification No. 225-2024 (NAIA)**  
Republic of the Philippines vs. Eight (8) boxes of ADVKEN  
Vape brought in by **ZHENZHOU LIU** who arrived on 31 May  
2024 at NAIA Terminal 1 and held in custody under Held  
Baggage Receipt No. 00100007840

Dear **Mr. Zhenzhou Liu**

This refers to the seized goods which is covered by Seizure Identification No. 225-2024 (NAIA) issued on October 22, 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](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

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



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REPUBLIC OF THE PHILIPPINES

versus-

Eight (8) boxes of ADVKEN Vape brought in by ZHENZHOU LIU who arrived on 31 May 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007840

X-----X

SEIZURE IDENTIFICATION  
NO. 225-2024 (NAIA)

**WARRANT OF SEIZURE AND DETENTION**

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

WHEREAS, on 31 May 2024, a male Chinese passenger named Zhenzhou Liu with Passport No. EB3359222 arrived at NAIA Terminal 1 on board flight ZH 9011 from China.

WHEREAS, on even date, the hand-carried baggage of the passenger underwent a non-intrusive inspection conducted by the personnel from the X-ray Inspection Project (XIP) and was referred to Acting Customs Examiner Jovelyn A. Ritual for physical examination.

WHEREAS, before conducting the physical examination, Customs Examiner Ritual asked the traveler to submit his filled-out Customs Baggage Declaration Form (CBDF). It was noted that passenger Liu answered "NO" to all items on the 3<sup>rd</sup> page of the CBDF.

WHEREAS, Customs Examiner Ritual conducted the physical examination which led to the discovery of Eight (8) boxes of ADVKEN Vape.

WHEREAS, for failure to present the necessary permit/clearance, a Held Baggage Receipt No. 00100007840 was issued to passenger Liu. The items were then turned over to Annaliza Reyes of the In-Bond Unit, Baggage Assistance Division, for safekeeping.

WHEREAS, in a Memorandum dated 01 June 2024 addressed to the District Collector, this port, Acting Customs Examiner Jovelyn A. Ritual, Flight Supervisor, Jennifer Ivy Orbeta, thru Atty. Danilo M. Campos Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Pd.D., Assistant Deputy Collector for Passenger Service and Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, recommended for the presentation of Import Permit/Clearance from the Food and Drug Administration (FDA) and payment of the duties and taxes.

WHEREAS, on this score, Republic Act No. 11900 otherwise known as the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" provides that:

**"Section 19. Product Registration.** — All manufacturers and importers of the following products shall register with the DTI by submitting information demonstrating conformity with Section 18 of this Act:

- (a) HTP Consumable;
- (b) HTP Device;
- (c) Vapor Product Refill;
- (d) Vapor Product Device; and
- (e) Novel Tobacco Products."



Further, Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) on the Implementing Rules and Regulations of Republic Act No. 11900 provides that:

**RULE II  
DECLARATION OF POLICY**

xxx

"For this purpose, the government shall regulate the importation, assembly, manufacture, sale, packaging, distribution, use, advertisement, promotion and sponsorship of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in order to promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors and the illicit trade of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in the country are prevented.

**RULE XI  
PRODUCT REGISTRATION**

*All manufacturers and importers of the covered products shall apply for product registration and certification with the BPS by submitting information demonstrating conformity with the technical regulations set by the office."*

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 of the subject goods brought in by incoming Passenger Zhenzhou Liu for violation of Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Section 12 (j) of Republic Act No. 11900 otherwise known as "An Act Regulating the Manufacture, Sale, Packaging, Distribution, Use and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products", and implemented by DTI Department Administrative Order No. 22-16 series of 2022.

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 goods brought in by incoming Passenger **ZHENZHOU LIU** for violation of Republic Act No. 11900 as implemented by Department Administrative Order No. 22-16 of the Department of Trade and Industry (series of 2022) and Section 1400, and Section 1113 (f) in relation to Sections 117 of the Customs Modernization and Tariff Act (CMTA); and to turn over the same to the Auction and Cargo Disposal Division, pursuant to CAO No. 10-2020 and related issuances, pending the resolution of the seizure case before 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, ~~2024~~ **OCT 27 2024**, October 2024.

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

Law/wedy/tsy







REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
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22 October 2024

**MR. NORIYUKI SHIBATA**  
Rothman Hotel

**Subject : Seizure Identification No. 228-2024 (NAIA)**  
Republic of the Philippines vs. Eight (8) Reams of Cigarettes  
brought in by Japanese traveler **NORIYUKI SHIBATA** on 06  
June 2024

Dear **Mr. Noriyuki Shibata**

This refers to the seized goods which is covered by Seizure Identification No. 228-2024 (NAIA) issued on October 22, 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](mailto: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-

Eight (8) Reams of Cigarettes  
brought in by Japanese traveler  
**NORIYUKI SHIBATA** on 06 June  
2024

X-----X

SEIZURE IDENTIFICATION  
NO. 228-2024 (NAIA)

## WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 06 June 2024 at around 1313H, a male Japanese passenger named Noriyuki Shibata, with Passport Number TS4741656, on board ZG095 arrived from Japan. After his carry-on baggage was referred by the X-ray Inspection Project (XIP) Inspector to Customs Examiner Kimberly Sangalang for physical examination.

WHEREAS, before conducting the physical examination, Customs Examiner Sangalang asked the traveler to submit his filled-out Customs Baggage Declaration Form (CBDF). It was noted that the traveler ticked "No" to all items in the General Declaration indicated on page 3 of the said form.

WHEREAS, physical examination led to the discovery of eight (8) reams of cigarettes.

WHEREAS, the subject items were held pending the submission of the National Tobacco Administration (NTA) Permit and presentation of Invoice and for subsequent payment of duties and taxes, and Held Baggage Receipt No. 00100007873 was issued to traveler. The items were then turned over to Ritzton Ryan M. Mamisay of the Baggage Assistance Division (BAD) for safekeeping.

WHEREAS, on 06 June 2024 COO III Kimberly Sangalang and Acting flight supervisor Dianne Karen V. Caceres, thru Acting Deputy Collector for Passenger Service, Assistant Deputy Collector for Passenger Service and Chief, Arrival Operations Division, submitted their Incident Report for the District Collector.

WHEREAS, on 22 August 2024, in the Memorandum of IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division thru Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, the subject items were recommended for the issuance of Warrant of Seizure and Detention (WSD) for failure to submit the required Import Clearance.

WHEREAS, Sections 5 and 7 of the National Tobacco Authority (NTA) Circular No. 002, series of 2020, expressly state that:

### SECTION 5. APPLICATION AND ISSUANCE OF ICC/ECC/CC



1. **Application for ICC/ECC/TCC.** - For every shipment, importers/exporters of tobacco leaf, tobacco products, heated tobacco products and other tobacco related materials and ingredients shall secure from the NTA an ICC/ECC/CC (NTA-RD-F-017 rev 02/018 rev 02) at least three working days prior to the date of unloading/loading of the commodity. x x x

## **SECTION 7. EXEMPTION IN THE FILING OF COMMODITY CLEARANCE FOR EXPORTATION/IMPORTATION/TRANSSHIPMENT**

1. Tobacco commodities, other tobacco related materials, ingredients and spare parts, e-cigarettes and e-juices are exempted from the filing of commodity clearance for the following volume or net weight, for personal consumption, to wit:

- a) Cigarettes/HTPs - not exceeding 5 reams (50 packs), per Passenger/consignee
- b) Cigars -not exceeding 20 sticks, per passenger/consignee
- c) Snus -not exceeding 10 tins or maximum of 200 pcs, per passenger/consignee."

WHEREAS, further, as provided in the Customs Memorandum Circular No. 21-2020 circulating NTA Memorandum Circular No. 003, which states that:

**"Section 1.** Tobacco commodities, other tobacco related materials, ingredients and spare parts, e-cigarettes and e-juices are exempted from the filing of commodity clearance for the following volume of net weight, for personal consumption, to wit:

- a. Cigarettes – not exceeding 5 reams (50 packs) per passenger

x x x

**Section 2.** In excess of the above quantities, the concerned exporter/importer/transshipper shall be required to secure the necessary ECC/ICC/TCC from the NTA."

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 baggage for violation of Section 1400 (Misdeclaration), Section 1401 (Unlawful Importation and Exportation) and Section 117 (Regulated Importation and Exportation) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and also for violation of the NTA Memorandum Circular No. 002, series of 2020 in relation to Customs Memorandum Circular No. 21-2020 circulating NTA Memorandum Circular No. 003.



**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 baggage brought in by incoming passenger **NORIYUKI SHIBATA** for violation of Section 1400 (Misdeclaration), Section 1401 (Unlawful Importation and Exportation) and Section 117 (Regulated Importation and Exportation) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and also for violation of the National Tobacco Administration (NTA) Memorandum Circular No. 002, series of 2020 in relation to Customs Memorandum Circular No. 21-2020 circulating NTA Memorandum Circular No. 003 and to turn over the same to the Auction and Cargo Disposal 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, OCT 22 2024, October 2024.

Wdy/law/ham

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





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DEPARTMENT OF FINANCE  
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REPUBLIC OF THE PHILIPPINES

- versus -

Ten (10) boxes of Tea brought in by incoming passenger **WUJU XU** who arrived on 28 April 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007604

X-----X

SEIZURE IDENTIFICATION  
NO. 232-2024 (NAIA)

**NOTICE OF DECISION**

TO: **WUJU XU**  
Manila Hotel

**MR. ROBERTO A. QUINTANA**  
Chief, Auction & Cargo Disposal  
Division  
BOC-NAIA

**MR. RICHARD S. REBONG, DPA**  
Chief, Baggage Assistance Division  
BOC-NAIA

**MS. WILNORA L. CAWILE**  
Deputy Collector for Operations  
BOC-NAIA

**MR. NORSALEM RAYMOND M. MAMA-O**  
Deputy Collector for Passenger Service  
BOC NAIA

**ATTY. DANILO M. CAMPOS JR.**  
Chief, Arrival Operations Division, Passenger  
Service

**THE GOVERNMENT PROSECUTOR**  
Prosecution and Litigation Division  
Legal Service, Bureau of Customs

**NOTICE** is hereby given that the District Collector, this Port, issued a Decision dated October 22, 2024, ordering the forfeiture of the subject goods in favor of the government. A copy of the said Decision is hereto attached for information.

Issued this 22nd day of October 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of  
the Chief, Law Division

**ATTY. TEODOLFO MARTIN S. YERRO IV**  
Hearing Officer

Encl.: As stated  
Law/ady/tmy





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REPUBLIC OF THE PHILIPPINES

-versus-

Ten (10) boxes of Tea brought in by incoming passenger **WUJU XU** who arrived on 28 April 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007604

X-----X

SEIZURE IDENTIFICATION  
NO. 732-2024 (NAIA)

### DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described 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.

A cursory review of the entire records of the instant seizure and forfeiture case reveals the following antecedents, to wit:

1. On 28 April 2024, a male Chinese passenger named Wuju Xu with Passport No. E40742039 arrived at the Ninoy Aquino International Airport Terminal 1 on board MF 819 from China.
2. The checked-in baggage of Wuju Xu was marked "X" by X-Ray Inspection Project (XIP) Operator Michael Martinez and was then referred to Customs Examiner Kimberly A. Sangalang for physical examination.
3. Before conducting the physical examination, Customs Examiner Kimberly Sangalang asked the passenger to submit his duly accomplished Customs Baggage Declaration Form (CBDF). In the submitted CBDF, Customs Examiner Sangalang noted that the passenger ticked "NO" to all items pertaining to page 3 except for item number 8 of the said form. Passenger Xu was asked if he had anything to declare to which he replied in the affirmative.
4. Customs Examiner Sangalang subsequently conducted the physical examination on his checked-in baggage which yielded Ten (10) boxes of Tea.
5. Passenger Xu was asked by Customs Examiner Sangalang if he had an Import Permit from the Food and Drug Administration (FDA) for the said items found in his baggage. However, passenger Xu replied in the negative.
6. For failure to present the necessary Import Permit/Clearance, a Held Baggage Receipt No. 00100007604 was issued, and the subject items were turned over to Ritzton Ryan M. Mamisay, In-Bond Unit, Baggage Assistance Division, for safekeeping.



7. In a Memorandum dated 03 May 2024 addressed to the District Collector, this Port, Customs Examiner Kimberly A. Sangalang and Acting Flight Supervisor Dianne Karen V. Caceres, thru Atty. Danilo M. Campos Jr., Chief, Arrival Operations Division and Acting Deputy Collector for Passenger Service, Norsalem Raymond M. Mama-o, recommended for the presentation of Import Permit/Clearance from the Food and Drug Administration (FDA) and payment of duties and taxes.
8. In a Memorandum dated 22 August 2024 addressed to Atty. Wally Ann D. Yumul, Acting Chief, Law Division, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service recommended for the issuance of a Warrant of Seizure and Detention against the subject articles for lack of Import Permit/Clearance.

#### DISCUSSION:

As culled from the records of the instant case, Ten (10) boxes of Tea brought in by incoming passenger **WUJU XU** 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 **WUJU XU** 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, OCT 22 2024 October 2024.

**ATTY. MARIA YASMIN M. GIBLOS-MAFA**  
District Collector, BOC-NAIA

Wdy/law/tsy

