



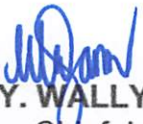
REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

A modernized and credible customs administration that upholds good governance and is among the world's best

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 : **14 NOVEMBER 2024**

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

1. **SEIZURE IDENTIFICATION NO. 259-2024 (NAIA)** : Republic of the Philippines vs. Four (4) sets of Neutrivit, eighteen (18) ampoules of Laroscorbine, three (3) vials of Menison, Five (5) vials of Hydrocortisole, one hundred sixty-eight (168) ampoules of Calci-B, three hundred sixty-eight (368) blisters of various medicines and ten (10) ampoules of glucose, found in the checked-in baggage of Cambodian passenger **HIENQUANG DANH**, covered by Held Baggage Receipt No. 00100007884;
2. **SEIZURE IDENTIFICATION NO. 261-2024 (NAIA)** : Republic of the Philippines vs. One Hundred (100) pieces of Authentication Key/Device which were intercepted from incoming passenger **DAVID SPENCER OLSEN**;
3. **SEIZURE IDENTIFICATION NO. 262-2024 (NAIA)** : Republic of the Philippines vs. One (1) KSC US 9mm m9 Semi-Automatic Military Air Pistol (Airsoft Pistol) 100 pieces Pellet and Spare Magazine brought in by a Filipino traveler **DICK DE LEON**, who arrived on 08 August 2023;
4. **SEIZURE IDENTIFICATION NO. 263-2024 (NAIA)** : Republic of the Philippines vs. Two (2) Units Mobile Phones from incoming Chinese Passenger, **XIANMING XU**, who arrived on 28 September 2024 at NAIA Terminal 1;
5. **SEIZURE IDENTIFICATION NO. 264-2024 (NAIA)** : Republic of the Philippines vs. Eight (8) units of Mobile Phones brought in by **PIERCE JOSHUA NICHOLAS ESCAÑO PASCUAL** on 23 June 2024 and held in custody under Held Baggage Receipt No. 00100008133;



6. **SEIZURE IDENTIFICATION NO. 265-2024 (NAIA)** : Republic of the Philippines vs. Fourteen (14) units of Assorted Laptops brought in by **KARL JOSEPH NELSON** on 30 June 2024 and held in custody at the In-Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100010765; and
7. **SEIZURE IDENTIFICATION NO. 267-2024 (NAIA)** : Republic of the Philippines vs. Six (6) units of Apple Mobile Phones brought in by passenger **BO WANG**, who arrived on 05 December 2023, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100006029.

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. 259-2024 (NAIA), 261-2024 (NAIA), 262-2024 (NAIA), 263-2024 (NAIA), 264-2024 (NAIA), 265-2024 (NAIA) and 267-2024 (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.





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

- versus -

Four (4) sets of Neutrivit, eighteen (18) ampoules of Laroscorbine, three (3) vials of Menison, Five (5) vials of Hydrocortisole, one hundred sixty-eight (168) ampoules of Calci-B, three hundred sixty-eight (368) blisters of various medicines and ten (10) ampoules of glucose, found in the checked-in baggage of Cambodian passenger **HIENQUANG DANH**, covered by Held Baggage Receipt No. 00100007884

x-----x

SEIZURE IDENTIFICATION
 NO. 259-2024 (NAIA)

NOTICE OF DECISION

TO: MR. HIENQUANG DANH
 Sta. Cruz, Manila

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
 BOC-NAIA

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 November 13, 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 14th day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
 the Chief, Law Division

ATTY. EMILIO Y. LEGASPI IV
 Hearing Officer

Encl.: As stated
 Law/wdy/eyl



Old MIA Road, NAIA Complex, 1300 Pasay City
 +63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

Four (4) sets of Neutrivit, eighteen (18) ampoules of Laroscorbine, three (3) vials of Menison, five (5) vials of Hydrocortisole, one hundred sixty-eight (168) ampoules of Calci-B, three hundred sixty-eight (368) blisters of various medicines and ten (10) ampoules of glucose, found in the checked-in baggage of Cambodian passenger **HIENQUANG DANH**, covered by Held Baggage Receipt No. 00100007884.

X-----X

SEIZURE IDENTIFICATION
NO. 259-2024 (NAIA)

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described articles for lack of or failure to present Import Permit/Clearance from the Food and Drug Administration (FDA) in accordance with Book 2, Article 1, Section (b) of the Department of Health (DOH) Department Circular No. 2011-0101 (The Rules and Regulations Implementing Republic Act No. 9711 (The Food and Drug Administration Act of 2009) and Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act.

Culled from the records of the instant case are the following antecedent facts as follows:

1. On 06 June 2024 at NAIA Terminal 1, a male Cambodian passenger and holder of Passport No. N01998974, Hienquang Danh, arrived on board Philippine Airlines Flight PR592 from Vietnam.
2. Passenger Danh's checked-in baggage underwent the non-intrusive inspection by the XIP Inspector on duty and was marked with "X", which was later on referred to Customs Examiner Minette Elizabeth R. Bermundo for physical examination thereof.
3. Before conducting an actual physical examination, Customs Examiner Bermundo asked passenger Danh to submit his filled-out Customs Baggage Declaration Form (CBDF) wherein she noted that the said passenger ticked "NO" to all items pertaining to the General Declaration, except for Item 4 on page 3 thereof.
4. Customs Examiner Bermundo conducted an actual physical examination of passenger Danh's checked-in baggage which led to the discovery of four (4) sets of Neutrivit, eighteen (18) ampoules of Laroscorbine, three (3) vials of Menison, five (5) vials of Hydrocortisole, one hundred sixty eight (168)



ampoules of Calci-B, three hundred sixty eight (368) blisters of various medicines and ten (10) ampoules of glucose, with a total estimated value of USD270.00. However, passenger Danh did not have any Permit nor Clearance from the Food and Drug Administration (FDA) nor any document to show the actual value of the items that Customs Examiner Bermundo found during the physical examination.

5. Held Baggage Receipt No. 0100007844 was issued to passenger Danh and thereafter these were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.
6. In a Memorandum dated 07 June 2024, Customs Examiner Minette Elizabeth R. Bermundo and Dianne Karen V. Caceres, Acting Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector for Passenger Service, and Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, this Port, reported their findings to the District Collector, this Port, and recommended the release of the commodity upon presentation of the necessary FDA Import Permit and payment of the customs duty and tax to be assessed thereon.
7. Despite the length of time given to passenger Danh to submit the required Import Permit/Clearance from the FDA and proof of payment that would show the actual value of the imported goods, passenger Danh nor his authorized representative failed and continuously failed to comply.
8. In a Memorandum dated 22 August 2024, IOV Richard S. Rebond, DPA, Chief, Baggage Assistance Division, recommended for the issuance of Warrant of Seizure and Detention against the (18) ampoules of Laroscorbine, three (3) vials of Menison, five (5) vials of Hydrocortisole, one hundred sixty eight (168) ampoules of Calci-B, three hundred sixty eight (368) blisters of various medicines and ten (10) ampoules of glucose, for failure to present Import Permit/Clearance from the Food and Drug Administration (FDA) in accordance with Book 2, Article 1, Section (b) of the Department of Health (DOH) Department Circular No. 2011-0101 (The Rules and Regulations Implementing Republic Act No. 9711 or the Food and Drug Administration for lack of FDA Import Clearance in violation of Republic Act 9711 or the Food and Drug Administration Act of 2009.

DISCUSSION:

As culled from the records of the instant case, passenger **HIENQUANG DANH** brought into the country the subject four (4) sets of Neutrivit, eighteen (18) ampoules of Laroscorbine, three (3) vials of Menison, five (5) vials of Hydrocortisole, one hundred sixty eight (168) ampoules of Calci-B, three hundred sixty eight (368) blisters of various medicines and ten (10) ampoules of glucose 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 in by passenger to **HIENQUANG DANH** is hereby declared *ipso facto* **FORFEITED** for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) and Paragraph 9.3 of Customs Administrative Order (CAO) No. 10-2020, 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 to the Auction and Cargo Disposal Division (ACDD) for final disposition pursuant to 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, NOV 13 2024 November 2024.


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

Law/wady/eyl





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

14 November 2024

MR. DAVID SPENCER OLSEN
Venice Luxury Suites

Subject : Seizure Identification No. 261-2024 (NAIA)
Republic of the Philippines vs. One Hundred (100) pieces of
Authentication Key/Device which were intercepted from
incoming passenger **DAVID SPENCER OLSEN**

Dear **Mr. David Spencer Olsen**


This refers to the seized goods which is covered by Seizure Identification No. 261-2024 (NAIA) issued on November 13, 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. MANUEL O. ZURBITO JR.
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

One Hundred (100) pieces of Authentication Key/Device which were intercepted from incoming passenger **DAVID SPENCER OLSEN** on 17 September 2023.

X-----X

SEIZURE IDENTIFICATION
NO. 261-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 17 September 2023, David Spencer Olsen, a male US traveler and holder of Passport No. 626495411, arrived at the NAIA Terminal 3 on board Cathay Pacific Airways Flight CX 907 from Hongkong.

WHEREAS, the checked-in baggage of passenger Olsen underwent the non-intrusive x-ray screening and the XIP Inspector on duty referred him to the on-duty Customs Examiner at the Arrival Area for physical examination thereof.

WHEREAS, Kyle Christian U. Vioria, Customs Examiner, asked passenger Olsen if he accomplished a Customs Baggage Declaration Form (CBDF) or a QR Code for the E-Travel, and the latter submitted his passport and accomplished CBDF. Customs Examiner Vioria noted that passenger Olsen answered "NO" to all the items in the General Declaration except for Item 12 which refers to "Other Goods". He then asked Mr. Olsen for additional details regarding the declared articles.

WHEREAS, Customs Examiner Vioria conducted an actual physical examination of passenger Olsen's checked in baggage where he discovered the one hundred (100) pieces of Authentication Key/Device. Mr. Olsen did not have the required Import Permit/Clearance from the National Telecommunication Commission and from the Optical Media Board to bring into the country the said articles. Thus, the release was withheld and Held Baggage Receipt No. 00100004500 was issued. Thereafter, the articles were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum dated 16 June 2024. Kyle Christian U. Vioria, Customs Examiner, and Felipe Maria T. Regencia, Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector for Passenger Service, and Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported the interception of the 100 pieces authentication key and recommended that subject articles be released to passenger Olsen upon presentation of Import Permit/Clearance from the National Telecommunication Commission (NTC) and the Optical Media Board (OMB), and after payment of the customs duty and tax assessed thereon. However, despite sufficient time given, Mr. Olsen failed and continuously failed to submit the required Import Permit/Clearance for the 100 pieces Authentication Key/Device to the Baggage Assistance Division, this Port.



WHEREAS, NTC Memorandum Circular No. 09-09-2003 of the National Telecommunications Commission (NTC), and pursuant to the Guidelines for Importation of National Telecommunications Commissioner, any importer must secure the necessary NTC import permit pursuant to the applicable laws, rules, and regulations.¹

WHEREAS, Customs Memorandum Circular No. 274-2019 circulating Optical Media Board Memorandum Circular No. 2018-002 "List of Regulated Products and the Guidelines for Import/Export of Optical/Magnetic Media and other storage devices" states that Authentication Key/Device fall under within the purview of "Storage Devices" which requires an Import Permit from the Optical Media Board (OMB) prior to importation.

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 articles for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to applicable Optical Media Board and NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied 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 **DAVID SPENCER OLSEN** for violation of Section 1113 and Section 117 of the Customs Modernization and Tariff Act (CMTA), Optical Media Board Memorandum Circular No. 2018-002 and related OMB and NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO No. 10-2020, 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 Memorandum Order 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, *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.

NOV 13 2024

BOC-NAIA, Pasay City, _____ November 2024.

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

Law/wady/moz

¹ https://ncr.ntc.gov.ph/wp-content/uploads/2022/Contact_Us/Contact_Information/GUIDELINES-FOR-IMPORTATION-THROUGH-THE-PHILIPPINE-NATIONAL-SINGLE-WINDOW-10-04-2022.pdf





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

14 November 2024

MR. DICK DE LEON
Pateros, Manila

Subject : Seizure Identification No. 262-2024 (NAIA)
Republic of the Philippines vs. One (1) KSC US 9mm m9 Semi-Automatic Military Air Pistol (Airsoft Pistol) 100 pieces Pellet and Spare Magazine brought in by a Filipino traveler **DICK DE LEON**, who arrived on 08 August 2023

Dear **Mr. Dick De Leon**

This refers to the seized goods which is covered by Seizure Identification No. 262-2024 (NAIA) issued on November 13, 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. MANUEL O. ZURBITO JR.
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus -

One (1) KSC US 9mm m9 Semi-Automatic Military Air Pistol (Airsoft Pistol) 1000 pieces Pellet and Spare Magazine brought in by a Filipino traveler **DICK DE LEON**, who arrived on 08 August 2023.

X-----X

SEIZURE IDENTIFICATION
NO. 262-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 08 August 2023, Filipino passenger Dick de Leon and holder of Passport No. P1161104C, arrived at the Ninoy Aquino International Airport on board Cebu Air Flight 5J930 from Narita, Japan.

WHEREAS, passenger De Leon's checked-in baggage was marked "X" after it passed through the non-intrusive x-ray screening at the Arrival Area, and he was referred to the Duty Examiner for physical examination thereof.

WHEREAS, Customs Examiner Jaypee L. Chuidian conducted an actual physical examination of the checked-in baggage of Mr. De Leon which led to the discovery of One (1) KSC US 9mm m9 Semi-Automatic Military Air Pistol (Airsoft Pistol), 1000 pieces Pellet and Spare Magazine. The discovered firearm and ammunition were then withheld for lack of Import Permit/Clearance, presentation of Invoice and subsequent payment of customs duty and tax, if any. Thereafter, Held Baggage Receipt No. 00100003947 was issued to passenger De Leon and the held items were turned over to the In Bond Section, Baggage Assistance Division, this Port, for safekeeping.

WHEREAS, in a Memorandum dated 31 May 2024, Customs Examiner Jaypee L. Chuidian and Flight Supervisor Jerico Flores, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported to the District Collector, the firearm and ammunition intercepted from incoming passenger Dick De Leon and recommended for the issuance of Warrant of Seizure and Detention for violation of Section 119 (a) of the Customs Modernization and Tariff Act (CMTA).

WHEREAS, in a Memorandum dated 22 August 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, recommended for the issuance of Warrant of Seizure and Detention for violation of Section 119 (a) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Republic Act No. 10591 or the Comprehensive Firearms and Ammunitions Act.

WHEREAS, after 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 baggage* for violation of Republic Act 10591, otherwise known as the Comprehensive Firearms and Ammunitions Regulation Act, and Section 1113 (f) in relation to Section 119 (a) of the Customs Modernization and Tariff Act (CMTA).



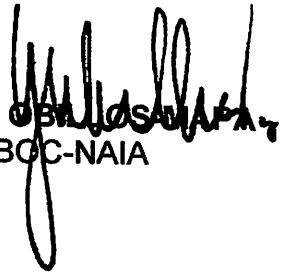
WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules and regulations, you, together with the representatives of other offices concerned, are hereby ordered and decreed to seize the baggage of passenger **DICK DE LEON** for violation of Republic Act No. 10591, otherwise known as the Comprehensive Firearms and Ammunition Regulation Act, and Section 119 (a) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), to be turned over to the Auction and Cargo Disposal Division, this Port, for custody and safekeeping pursuant to CAO No. 10-2020, pending the resolution of the seizure case 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, NOV 13 2024, November 2024.

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



Law/wady/moz





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

14 November 2024

MR. XIANMING XU
962 Paseo de Blas, Valenzuela

Subject : Seizure Identification No. 263-2024 (NAIA)
Republic of the Philippines vs. Two (2) Units Mobile Phones
from incoming Chinese Passenger, **XIANMING XU**, who
arrived on 28 September 2024 at NAIA Terminal 1

Dear **Mr. Xianming Xu**

This refers to the seized goods which is covered by Seizure Identification No. 263-2024 (NAIA) issued on November 13, 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



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

Two (2) Units Mobile Phones from incoming Chinese Passenger, **XIANMING XU**, who arrived on 28 September 2024 at NAIA Terminal 1.

X-----X

SEIZURE IDENTIFICATION
NO. 263-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on or about 1700H of 28 September 2024, at the NAIA Terminal 1, the hand carried baggage of a male Chinese traveler named Xianming Xu with passport Number EJ6846255 on board flight MF817 from China, underwent non-intrusive inspection. The same was tagged with "X" by personnel of the X-Ray Inspection project (XIP) which was later referred to Customs Examiner Kyle Christian U. Vilorio for physical examination;

WHEREAS, Customs Examiner Vilorio asked passenger if he accomplished a Customs Baggage Declaration Form (CBDF). The passenger handed-out his passport and his accomplished CBDF. It was noted that the traveler answered "No" to all items in the 3rd page of the form. The Customs Examiner tried to get more information from the traveler regarding the items that were inside the baggage. However, due to language barrier, the traveler had difficulty responding to the inquiry. The Examiner proceeded with the physical examination;

WHEREAS, the physical examination yielded to the discovery of two (2) units mobile phone amounting to four Thousand Chinese Yuan (CNY4,000.00) or approximately Thirty-Two Thousand Nine Hundred Eighty-Six pesos and 08/100 (Php32,986.08);

WHEREAS, for failure to present permit/clearance from the National Telecommunication Commission (NTC), the subject two units mobile phones were confiscated and traveler was issued Held Baggage Receipt No. 00100004342. The items were turned over to Shiela May Asis, In-bond Unit, Baggage Assistance for safekeeping.

WHEREAS, in a Memorandum dated 16 June 2024 for the District Collector, COO III Kyle Christian U. Vilorio and Felipe Maria T. Regencia, Flight Supervisor, thru the Chief, Arrival Operations Division, Assistant Deputy Collector for Passenger Service and Acting Deputy Collector for Passenger Service submitted their Incident Report recommending the submission of the necessary permit/clearance from the NTC for the subject items;

WHEREAS, in a Memorandum dated 22 August 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, recommended for the issuance of Warrant and Detention against the subject item for lack of Import Permit/Clearance.



WHEREAS, NTC Memorandum Circular No. 09-09-2003 of the National Telecommunications Commission (NTC), and pursuant to the Guidelines for Importation of National Telecommunications Commissioner, any importer must secure the necessary NTC import permit pursuant to the applicable laws, rules, and regulations.¹

WHEREAS, Customs Memorandum Circular No. 274-2019 circulating Optical Media Board Memorandum Circular No. 2018-002 "List of Regulated Products and the Guidelines for Import/Export of Optical/Magnetic Media and other storage devices" states that Cellular Phones or Mobile Phones fall under within the purview of "Storage Devices" which requires an Import Permit from the Optical Media Board (OMB) prior to importation.

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 articles for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to applicable Optical Media Board and NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied 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 **XIANMING XU** for violation of Section 1113 and Section 117 of the Customs Modernization and Tariff Act (CMTA), Optical Media Board Memorandum Circular No. 2018-002 and related OMB and NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, 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 Memorandum Order 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, *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, **NOV 13 2024** November 2024.

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

Wdy/law/ham

¹ https://ncr.ntc.gov.ph/wp-content/uploads/2022/Contact_Us/Contact_Information/GUIDELINES-FOR-IMPORTATION-THROUGH-THE-PHILIPPINE-NATIONAL-SINGLE-WINDOW-10-04-2022.pdf





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

14 November 2024

**MR. PIERCE JOSHUA NICHOLAS
ESCAÑO PASCUAL**
273 S. De Guzman St. Parada
Valenzuela City

Subject : Seizure Identification No. 264-2024 (NAIA)
Republic of the Philippines vs. Eight (8) units of Mobile Phones
brought in by **PIERCE JOSHUA NICHOLAS ESCAÑO
PASCUAL** on 23 June 2024 and held in custody under Held
Baggage Receipt No. 00100008133

Dear **Mr. Pascual**

This refers to the seized goods which is covered by Seizure Identification No. 264-2024 (NAIA) issued on November 13, 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. TEOBOLFO MARTIN S. YERRO IV
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

Eight (8) units of Mobile Phones
brought in by **PIERCE JOSHUA
NICHOLAS ESCAÑO PASCUAL**
on 23 June 2024 and held in
custody under Held Baggage
Receipt No. 00100008133

SEIZURE IDENTIFICATION
NO. 264-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 23 June 2024, a Filipino passenger named Pierce Joshua Nicholas Escaño Pascual with Passport No. P5607836C arrived at NAIA Terminal 1 on board PR 522 from Cambodia.

WHEREAS, passenger Pascual's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by the XIP Operator Marian Parayno who then referred to Customs Examiner Minette Elizabeth R. Bermundo for physical examination.

WHEREAS, before conducting the actual examination, Customs Examiner Bermundo asked passenger Pascual to submit his duly filled-out Customs Baggage Declaration Form (CBDF). In the submitted CBDF, he ticked "NO" to all items indicated in the General Declaration in page 3 of the CBDF, except for item no. 9.

WHEREAS, Customs Examiner Bermundo conducted the physical examination on his checked-in baggage which led to the discovery of Eight (8) units of Mobile Phones. Customs Examiner Bermundo asked the passenger if he has an Import Permit/Clearance from the National Telecommunications Commission (NTC) for the subject Mobile Phones to which he answered in the negative. Consequently, a Held Baggage Receipt No. 00100008133 was issued to the passenger and the subject articles were turned over to Mr. Ritzton Ryan M. Mamisay of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 26 June 2024, Customs Examiner Minette Elizabeth R. Bermundo and Acting Flight Supervisor Dianne Karen V. Caceres, thru Atty. Danilo M. Campos, Chief, Arrival Operations Division, and Norsalem Raymond M. Mama-O, Acting Deputy Collector for Passenger Service, recommended for the presentation of Import Permit from the National Telecommunications Commission (NTC) and payment of duties and taxes after the presentation of invoice.

WHEREAS, 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 Mr. Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the Eight (8) units of Mobile Phones for lack of Import Permit/Clearance from the National Telecommunications Commission (NTC).



WHEREAS, NTC Memorandum Circular No. 09-09-2003 of the National Telecommunications Commission (NTC), and pursuant to the Guidelines for Importation of National Telecommunications Commissioner, any importer must secure the necessary NTC import permit pursuant to the applicable laws, rules, and regulations.¹

WHEREAS, Customs Memorandum Circular No. 274-2019 circulating Optical Media Board Memorandum Circular No. 2018-002 "List of Regulated Products and the Guidelines for Import/Export of Optical/Magnetic Media and other storage devices" states that Cellular Phones or Mobile Phones fall under within the purview of "Storage Devices" which requires an Import Permit from the Optical Media Board (OMB) prior to importation.

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 articles for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to applicable Optical Media Board and NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied 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 **PIERCE JOSHUA NICHOLAS ESCAÑO PASCUAL** for violation of Section 1113 and Section 117 of the Customs Modernization and Tariff Act (CMTA), Customs Memorandum Circular No. 274-2019 circulating Optical Media Board Memorandum Circular No. 2018-002 and related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO No. 10-2020, 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 Memorandum Order 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, *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, NOV 13 2024 November 2024.

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

Law/wady/tsy

¹ https://nrc.ntc.gov.ph/wp-content/uploads/2022/Contact_Us/Contact-Information/GUIDELINES-FOR-IMPORTATION-THROUGH-THE-PHILIPPINE-NATIONAL-SINGLE-WINDOW-10-04-2022.pdf





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

14 November 2024

MR. KARL JOSEPH NELSON
One Uptown Residence
BGC Taguig City

Subject : Seizure Identification No. 265-2024 (NAIA)
Republic of the Philippines vs. Fourteen (14) units of Assorted Laptops brought in by **KARL JOSEPH NELSON** on 30 June 2024 and held in custody at the In-Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100010765

Dear **Mr. Karl Joseph Nelson**

This refers to the seized goods which is covered by Seizure Identification No. 265-2024 (NAIA) issued on November 13, 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. TEODOLFO MARTIN S. YERRO IV
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

Fourteen (14) units of Assorted Laptops brought in by **KARL JOSEPH NELSON** on 30 June 2024 and held in custody at the In-Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100010765.

X-----X

SEIZURE IDENTIFICATION
NO. 265-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the above-described Fourteen (14) units of Assorted Laptops were brought in by Karl Joseph Nelson with passport No. 672233777 who arrived at NAIA Terminal 1 on 30 June 2024 on-board flight CX939 from New York, USA.

WHEREAS, passenger Nelson's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by XIP Operator SGII Paul Joseph Lodea who then referred the same to Customs Examiner May Anne B. Panaligan for physical examination.

WHEREAS, before conducting the physical examination, Customs Examiner Panaligan asked the passenger if he had completed an E-Travel QR Code for scanning. However, passenger Nelson submitted his duly filled-out Customs Baggage Declaration Form (CBDF). It was noted that he answered "NO" to all items indicated in the General Declaration except for item no. 9 which pertains to "Mobile phones, hand-held radios and similar gadgets in excess of quantities for personal use, and radio communication equipment".

WHEREAS, the physical examination conducted by Customs Examiner Panaligan yielded Fourteen (14) units of Assorted Laptops. Customs Examiner Panaligan asked the passenger if he had secured a permit from the National Telecommunications Commission (NTC) for the subject laptops to which the latter replied in the negative. Consequently, the subject items were taken out of his baggage and turned over to the In-Bond Unit, Baggage Assistance Division for safekeeping under Held Baggage Receipt No. 00100010765.

WHEREAS, in a Memorandum dated 05 July 2024 addressed to the District Collector, this Port, Customs Examiner May Anne B. Panaligan and Acting Flight Supervisor Princess Tanya R. Atienza thru Atty. Danilo M. Campos, Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph.D., Assistant Deputy Collector for Passenger Service and Norsalem Raymond M. Mama-O, Acting Deputy Collector for Passenger Service, recommended that the subject Fourteen (14) units of Assorted Laptops be withheld and kept in-bond for safekeeping for lack of Import Permit/Clearance from the National Telecommunications Commission (NTC).



WHEREAS, NTC Memorandum Circular No. 09-09-2003 of the National Telecommunications Commission (NTC), and pursuant to the Guidelines for Importation of National Telecommunications Commissioner, any importer must secure the necessary NTC import permit pursuant to the applicable laws, rules, and regulations.¹

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 articles for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to applicable NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied 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 **KARL JOSEPH NELSON** for violation of Section 1113 and Section 117 of the Customs Modernization and Tariff Act (CMTA) and related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO No. 10-2020, 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 Memorandum Order 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, *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, NOV 13 2024 November 2024.


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

Law/wady/tsy

¹ https://ncr.ntc.gov.ph/wp-content/uploads/2022/Contact_Us/Contact_Information/GUIDELINES-FOR-IMPORTATION-THROUGH-THE-PHILIPPINE-NATIONAL-SINGLE-WINDOW-10-04-2022.pdf





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

14 November 2024

MS. ANNA PUNZALAN
190 Purok 1, Barangay Navaling
Magalang, Pampanga

Subject : Seizure Identification No. 266-2024 (NAIA)
Republic of the Philippines vs. Outbound parcel covered by
DHL AWB No. 4691844286, sent by **ANNA PUNZALAN**, with
address at 190 Purok 1, Barangay Navaling, Magalang,
Pampanga

Dear **MS. Anna Punzalan**

This refers to the seized goods which is covered by Seizure Identification No. 266-2024 (NAIA) issued on November 13, 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. MANUEL O. ZURBITO JR.
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

Outbound parcel covered by DHL
AWB No. 4691844286, sent by
one **ANNA PUNZALAN**, with
address at 190 Purok 1, Barangay
Navaling, Magalang, Pampanga.

X-----X

SEIZURE IDENTIFICATION
NO. 266-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 19 June 2024, Aga-Hamza M. Guro, Trade Control Examiner, pursuant to the instruction of the Chief, Export Division, proceeded to the DHL Express Hub and conducted an actual examination of an outbound parcel which was declared to contain "Cotton plain blankets, paper bags and table cloth".

WHEREAS, the subject parcel was sent by Anna Punzalan, with address at 190 Purok 1, Barangay Navaling, Magalang, Pampanga, with contact number +6396125118891, and consigned to a certain William Nelson with delivery address at 10 Burroway Road, Wentworth Point NSW Australia, and contact number +61414870255.

WHEREAS, Trade Control Examiner Guro conducted an actual examination of the outbound shipment which yielded forty (40) reams of Septwolves Cigarettes. Thereafter, the cigarettes were returned in its original packing and then turned over to CBW Warehouse for safekeeping.

WHEREAS, in a Memorandum dated 23 August 2024, Aga-Hamza M. Guro, Trade Control Examiner, thru Calil G. Dimangadap, Chief, Export Division, informed the District Collector, this Port, regarding the interception of the subject outbound shipment and recommended for the issuance of Warrant of Seizure and Detention for violation of Section 117 (Regulated Importation), Sections 1400 (Misdeclaration) and 1401 (Unlawful Importation and Exportation), in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), National Tobacco Administration (NTA) Board Resolution 079-2005 which requires an exporter of tobacco and related products to register with the NTA, Revenue Memorandum Circular No. 38-2003 referring to "Uniform Guidelines and Procedures in the Processing of Various Permits for Excise Tax Purposes", for absence or lack of License to Operate and Permit to Export Tobacco and related Tobacco Products and for non-payment of Excise Tax for the intended exportation of the subject cigarette products.

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 outbound parcel 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 outbound parcel shipped by **ANNA PUNZALAN** 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 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, NOV 13 2024 November 2024.


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

Law/wady/moz





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

14 November 2024

MR. BO WANG
Manila

Subject : Seizure Identification No. 267-2024 (NAIA)
Republic of the Philippines vs. Six (6) units of Apple Mobile Phones brought in by passenger **BO WANG**, who arrived on 05 December 2023, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100006029

Dear **Mr. Bo Wang**

This refers to the seized goods which is covered by Seizure Identification No. 267-2024 (NAIA) issued on November 13, 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. MANUEL O. ZURBITO JR.
Officer-on-Case



Old MIA Road, NAIA Complex, 1300 Pasay City
+63 (02) 8705-6000, +639776767034 | www.customs.gov.ph | naia@customs.gov.ph



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

-versus-

Six (6) units of Apple Mobile Phones brought in by passenger **BO WANG**, who arrived on 05 December 2023, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100006029.

X-----X

**SEIZURE IDENTIFICATION
NO. 267-2024 (NAIA)**

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 05 December 2023, passenger **BO WANG**, holder of Passport No. EF1535645, arrived at the Ninoy Aquino International Airport Terminal 1 on board flight MF827 from China.

WHEREAS, passenger Wang's hand carried luggage passed through the non-intrusive x-ray inspection conducted by XIP Inspector Edgardo Soriano, who referred him to John Rey M. Falcon, Acting Customs Examiner, for physical examination.

WHEREAS, before conducting the physical examination, Acting Customs Examiner Falcon asked Mr. Wang to submit his accomplished Customs Baggage Declaration Form (CBDF) and after going over it, he noted that the passenger answered "No" to all the questions on page 3 thereof, except for Item 2 thereof. He also asked passenger Wang if he has anything to declare to which the latter replied in the affirmative.

WHEREAS, the physical examination of passenger Wang's hand carried luggage led to the discovery of six (6) units of Apple Mobile Phones. However, the passenger failed to present the required Import Permit/Clearance for the subject Apple Mobile Phones from the National Telecommunication Commission (NTC), thus, subject 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. 00100006029 to passenger Wang.

WHEREAS, in a Memorandum dated 31 May 2024, Acting Customs Examiner John Rey M. Falcon, and Flight Supervisor Gaylord Hilario C. Ventura, thru Atty. Danilo M. Campos, Jr, Chief, Arrival Operations Division, and Mr. Norsalem Raymond M. Mamo, Deputy Collector for Passenger Service, reported the interception of the six (6) units of Apple Mobile Phones to the District Collector, this Port, and recommended that the same be withheld from release pending the submission of the required NTC Import Permit/Clearance and after presentation of Invoice and payment of the customs duty and tax assessed thereon.

WHEREAS, in a Memorandum dated 22 August 2024, IOV Richard S. Rebong DPA, Chief, Baggage Assistance Division, this Port, recommended that the six (6) Apple Mobile Phones covered by HBR No. 00100006029 which were intercepted from



passenger Bo Wang on 05 December 2023 at NAIA Terminal 1 be seized for lack of NTC Import Permit and/or Clearance pursuant to Section 117 of the Customs Modernization and Tariff Act (CMTA).

WHEREAS, NTC Memorandum Circular No. 09-09-2003 of the National Telecommunications Commission (NTC), and pursuant to the Guidelines for Importation of National Telecommunications Commissioner, any importer must secure the necessary NTC import permit pursuant to the applicable laws, rules, and regulations.¹

WHEREAS, Customs Memorandum Circular No. 274-2019 circulating Optical Media Board Memorandum Circular No. 2018-002 "List of Regulated Products and the Guidelines for Import/Export of Optical/Magnetic Media and other storage devices" states that Cellular Phones or Mobile Phones fall under within the purview of "Storage Devices" which requires an Import Permit from the Optical Media Board (OMB) prior to importation.

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 articles for violation of Section 117 (Regulated Importation and Exportation) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to applicable Optical Media Board and NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied 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 **BO WANG** for violation of Section 1113 and Section 117 of the Customs Modernization and Tariff Act (CMTA), Customs Memorandum Circular No. 274-2019 circulating Optical Media Board Memorandum Circular No. 2018-002 and related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, 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 Memorandum Order 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, *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, NOV 13 2024 November 2024.


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

Law/wady/moz

¹ https://ncr.ntc.gov.ph/wp-content/uploads/2022/Contact_Us/Contact_Information/GUIDELINES-FOR-IMPORTATION-THROUGH-THE-PHILIPPINE-NATIONAL-SINGLE-WINDOW-10-04-2022.pdf

