



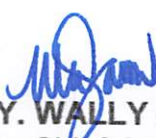
REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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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 : **21 NOVEMBER 2024**

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

1. **SEIZURE IDENTIFICATION NO. 268-2024 (NAIA)** : Republic of the Philippines vs. Assorted Flavored Vapes and e-Cigarette Battery brought in by **QINGGUO YUAN** who arrived on 15 August 2024 at NAIA Terminal 3 and held in custody under Held Baggage Receipt No. 00100011238;
2. **SEIZURE IDENTIFICATION NO. 273-2024 (NAIA)** : Republic of the Philippines vs. Two Thousand Fifteen US Dollars (USD2,015.00) and Six Thousand Nine Hundred Singapore Dollars (SGD6,900.00) intercepted from incoming passenger **ALFIAN**;
3. **SEIZURE IDENTIFICATION NO. 274-2024 (NAIA)** : Republic of the Philippines vs. Twenty-One Million Five Hundred Thousand Yen (JPY21,500,000.00) intercepted from departing passengers **KRISS WATANABE, YASUNOBU TAKAMOTO, YUKI WATANABE, MAXENE WATANABE** and **MIYU WATANABE** on 14 October 2024;
4. **SEIZURE IDENTIFICATION NO. 275-2024 (NAIA)** : Republic of the Philippines vs. Fourteen (14) units of Telephones (Handphones) brought in by **MARK ANTHONY DANGOLA** on 16 June 2024 and Held in custody under Held Baggage Receipt No. 00100008032;
5. **SEIZURE IDENTIFICATION NO. 276-2024 (NAIA)** : Republic of the Philippines vs. Forty (40) units of Assorted Brands of Mobile Phones brought in by **NARUESORN ANURAKSAP** on 13 June 2024 and held in custody under Held Baggage Receipt No. 00100010563;



6. **SEIZURE IDENTIFICATION NO. 278-2024 (NAIA)** : Republic of the Philippines vs. One Hundred Ninety-Two (192) pieces of LG Perioe Toothpaste brought in by incoming passenger **JUNGYUN LEE** who arrived on 15 April 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007435
7. **SEIZURE IDENTIFICATION NO. 279-2024 (NAIA)** : Republic of the Philippines vs. Four (4) pieces Ambu Bag brought in by Filipino passenger **RENE CARRANZA VELAZCO** who arrived on 14 March 2024 at NAIA Terminal 3;
8. **SEIZURE IDENTIFICATION NO. 280-2024 (NAIA)** : Republic of the Philippines vs. Two (2) Deer Heads and Three (3) pairs of Deer Horns, brought in by passenger **JIM MARK WACGUIYAN PUCATE**, and held at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100011351;
9. **SEIZURE IDENTIFICATION NO. 281-2024 (NAIA)** : Republic of the Philippines vs. Forty (40) bottles of Pure NMN Supplements brought in by Malaysian traveler **TAN YING QIAN** on 06 June 2024 at NAIA Terminal 3;
10. **SEIZURE IDENTIFICATION NO. 286-2024 (NAIA)** : Republic of the Philippines vs. Thirty Thousand and Five Hundred Philippine Pesos (Php30,500.00) confiscated from incoming Chinese male traveler **SHENXIANG SHI** on 22 September 2024;
11. **SEIZURE IDENTIFICATION NO. 287-2024 (NAIA)** : Republic of the Philippines vs. Nine Thousand Philippine Pesos (Php9,000.00) brought in by Japanese traveler named **RYOTA TAKAGI** on 18 September 2024;
12. **SEIZURE IDENTIFICATION NO. 288-2024 (NAIA)** : Republic of the Philippines vs. Fifteen (15) units of Assorted Flavored Vapes brought in by **HAO WANG** who arrived on 17 August 2024 at NAIA Terminal 3 and held in custody under Held Baggage Receipt No. 00100011250;
13. **SEIZURE IDENTIFICATION NO. 289-2024 (NAIA)** : Republic of the Philippines vs. Nineteen (19) units of Assorted Mobile Phones brought in by **FREVI JOY GANGAN** on 16 August 2024 and held in custody under Held Baggage Receipt No. 00100011249;
14. **SEIZURE IDENTIFICATION NO. 290-2024 (NAIA)** : Republic of the Philippines vs. Sixty-Five (65) pieces of Universal Serial Bus (USB) flash drive brought in by **YUQIAN ZHAO**, a Chinese national and a holder of Passport Number EH9987615;
15. **SEIZURE IDENTIFICATION NO. 291-2024 (NAIA)** : Republic of the Philippines vs. Twenty-eight (28) Units of used Aquos cellular phones brought in by incoming passenger **TAKAYUKI KATO**, a Japanese national, who arrived on 14 July 2024, and held in custody under Held Baggage Receipt No. 00100008425;
16. **SEIZURE IDENTIFICATION NO. 292-2024 (NAIA)** : Republic of the Philippines vs. Twenty (20) Units of brand new Poco F6 Pro cellular phones brought in by incoming passenger **JOANNA CHENG NG** a Taiwanese national, who arrived on 14 July 2024, and held in custody under Held Baggage No. 00100008414;
17. **SEIZURE IDENTIFICATION NO. 295-2024 (NAIA)** : Republic of the Philippines vs. Thirty Million Japanese Yen (JPY30,000,000.00) intercepted from incoming passenger **RAN INOUE** on 01 September 2024;



18. **SEIZURE IDENTIFICATION NO. 296-2024 (NAIA)** : Republic of the Philippines vs. Twenty thousand US Dollars (USD20,000.00) Brought in by a Korean male Traveler **SEONGGEUN MUN** under Held Baggage Receipt No. 00100009392;
19. **SEIZURE IDENTIFICATION NO. 297-2024 (NAIA)** : Republic of the Philippines vs. One Hundred Fifty Thousand Pesos (Php150,000.00) Philippine Currency, intercepted from Singaporean traveler **EDMUND YEN YONG SIM**, on 16 August 2024, and held incustody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100008706;
20. **SEIZURE IDENTIFICATION NO. 298-2024 (NAIA)** : Republic of the Philippines vs. Fifty-eight (58) packs of Estrofem 2mg. Two hundred sixty two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler **RYAN DELGADO COMIA** who arrived on 16 July 2024 from Thailand at NAIA Terminal 3;
21. **SEIZURE IDENTIFICATION NO. 299-2024 (NAIA)** : Republic of the Philippines vs. Four Hundred One Thousand Pesos (Php401,000.00), Philippine Currency, intercepted from an American traveler named **SHAYNE BLANCO VILLANUEVA**, who arrived on 11 June 2024 at NAIA Terminal 3, and held under Held Baggage Receipt No. 00100011193; and
22. **SEIZURE IDENTIFICATION NO. 301-2024 (NAIA)** : Republic of the Philippines vs. Fifty (50) packs of Estrofem 2mg. Two hundred sixty-two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler **NERLYN DE LA CRUZ BEJERANO** who arrived on 16 July 2024 from Thailand at NAIA Terminal 3.

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. 268-2024 (NAIA), 273-2024 (NAIA), 274-2024 (NAIA), 275-2024 (NAIA), 276-2024 (NAIA), 278-2024 (NAIA), 279-2024 (NAIA), 280-2024 (NAIA), 281-2024 (NAIA), 286-2024 (NAIA), 287-2024 (NAIA), 288-2024, 289-2024 (NAIA), 290-2024 (NAIA), 291-2024 (NAIA), 292-2024 (NAIA), 295-2024 (NAIA), 296-2024 (NAIA), 297-2024 (NAIA), 298-2024 (NAIA), 299-2024 (NAIA), and 301-2024 (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
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BUREAU OF CUSTOMS

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REPUBLIC OF THE PHILIPPINES

- versus -

Fifty (50) packs of Estrofem 2mg. Two hundred sixty-two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler **NERLYN DE LA CRUZ BEJERANO** who arrived on 16 July 2024 from Thailand at NAIA Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 301-2024 (NAIA)

NOTICE OF DECISION

**TO: MS. NERLYN DE LA CRUZ
BEJERANO**
Calamba Quezon City

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 20, 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 21st day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division

Hyacinth A. Miranda

ATTY. HYACINTH A. MIRANDA
Hearing Officer

Encl.: As stated
Law/wdy/ham



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REPUBLIC OF THE PHILIPPINES

-versus-

Fifty (50) packs of Estrofem 2mg,
two hundred sixty-two (262) packs
of Depo Monat and forty-two (42)
packs of Diane 35 brought in by
Filipino traveler **NERLYN DE LA
CRUZ BEJERANO** who arrived on
16 July 2024 from Thailand at NAIA
Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 301-2024 (NAIA)

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above described Fifty (50) packs of Estrofem 2mg, two hundred sixty-two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler Nerlyn Dela Cruz for violation of Section 118(g) and 1113(f) of the Customs Modernization and Tariff Act (CMTA), 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.

The antecedent facts of the instant case are as follows:

1. The above-described articles were brought in by traveler Nerlyn Dela Cruz Bejerano with Passport No. P7068968C who arrived at the Ninoy Aquino International Airport Terminal 3 on 16 July 2024 on board Flight No. Z2286 from Thailand.
2. Her checked-in baggage underwent non-intrusive inspection and was marked "X" by XIP Operator Maria Lyn Dela Ganar, and consequently referred to Customs Examiner Jewel Iris G. Abuejela for physical examination.
3. Before conducting physical examination, Examiner Abuejela asked traveler if she had completed E-Travel QR code which she replied in the negative. The Customs Examiner then instructed the traveller to fill out a Customs Baggage Declaration Form (CBDF). The traveller submitted her duly filled out Customs Baggage declaration Form (CBDF). It was noted that the traveller answered "No" to all the questions in the General Declaration. The Customs Examiner asked the traveller for more information as to the items inside her luggage before conducting the physical examination.
4. Thereafter examiner conducted physical examination on the subject baggage and yielded to the discovery of fifty (50) packs of Estrogen 2mg, two hundred sixty-two (262) packs of Depo Monat and forty -two packs of Diane 35 with a total weight of nineteen (19) kilograms.
5. For failure to present Permit/Clearance from the Food and Drug Administration (FDA), Held Baggage Receipt No. 00100010945 was issued to passenger Bejerano and the confiscated articles were turned-over to *Hamimah Mongondaya* of the In-bond Unit, Baggage Assistance Division.



6. In a Memorandum dated 19 July 2024 for the District Collector, Customs Examiner Jewel Iris Abuejela and Flight Supervisor Manuel Mendoza, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph. D., Assistant Deputy Collector for Passenger Service and Deputy Collector for Passenger Service Norsalem Raymond M. Mama-o, submitted their Incident Report and recommended for the presentation of Permits/Certificates of Product Registration from Food and Drug Administration and payment of corresponding duties and taxes.
7. In a Memorandum dated 30 October 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of Import Permit/Clearance from the Food and Drug Administration (FDA) in violation of Republic Act 9711 or the Food and Drug Administration (FDA) Act of 2009.

DISCUSSION:

As culled from the records of the instant case, the subject parcel consigned to **NERLYN DE LA CRUZ BEJERANO** 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:

xxx

- (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 substance; 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.**"

Relatively, 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 expressly prohibits such exportation, to wit:

"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, distribution 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.**"



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:

(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 parcel consigned to **NERLYN DE LA CRUZ BEJERANO** are 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 final disposition thereof 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 20 2024 November 2024.

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

Wdy/law/ham





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20 November 2024

MR. SHAYNE BLANCO VILLANUEVA
San Lorenzo Place, Makati

Subject : Seizure Identification No. 299-2024 (NAIA)
Republic of the Philippines vs. Four Hundred One Thousand Pesos (Php401,000.00), Philippine Currency, intercepted from an American traveler named **SHAYNE BLANCO VILLANUEVA**, who arrived on 11 June 2024 at NAIA Terminal 3, and held under Held Baggage Receipt No. 00100011193

Dear **Mr. Shayne Blanco Villanueva**

This refers to the seized goods which is covered by Seizure Identification No. 299-2024 (NAIA) issued on November 19, 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



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20 November 2024

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Subject : Seizure Identification No. 299-2024 (NAIA)
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Kindly send your Verified Position Paper, with pertinent attachments to lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph.

Very truly yours,


ATTY. MANUEL O. ZURBITO JR.
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

-versus-

Four Hundred One Thousand Pesos (Php401,000.00), Philippine Currency, intercepted from an American traveler named **SHAYNE BLANCO VILLANUEVA**, who arrived on 11 June 2024 at NAIA Terminal 3, and held under Held Baggage Receipt No. 00100011193.

X-----X

SEIZURE IDENTIFICATION
NO. 299-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 11 June 2024, an American traveler named Shayne Blanco Villanueva, with Passport Number 528315554, arrived on board United Airlines Flight UA 183 from Saipan. His hand carried luggage was subjected to non-intrusive inspection by XIP Inspector Paul Joseph Lodea, who, then referred him to Jessica F. Castor, Customs Examiner, for verification and physical examination thereof.

WHEREAS, before conducting an actual examination of his hand carried luggage, Customs Examiner Castor asked passenger Villanueva to submit his e-Travel generated QR Code or Customs Baggage Declaration Form and he submitted his accomplished CBDF. Going over the said CBDF, Customs Examiner Castor noted that passenger Villanueva answered "No" to all the items in the General Declaration.

WHEREAS, in the presence of passenger Villanueva, an actual examination was conducted by Customs Examiner Castor which led to the discovery of several bundles of Philippine pesos inside his hand carried luggage. An actual physical count of the said amount resulted to the total amount of Four Hundred Fifty-One Thousand Pesos (Php451,000.00) in One Thousand Peso bills. After the verified counting, the amount of Fifty Thousand Pesos (Php50,000.00) was returned to passenger Villanueva which is allowed without the required BSP Permit/Clearance.

WHEREAS, Customs Examiner Castor issued Held Baggage Receipt No. 00100011193 for the remaining amount of Php401,000.00 which was withheld from release for lack of the required BSP Import Clearance as provided for in BSP Circular No. 1146, series of 2022. Said amount was later turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum dated 12 August 2024, Jessica F. Pastor, Customs Examiner, and Manuel J. Mendoza, 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, informed the District Collector, this Port, of the interception of the amount of Php451,000.00 from incoming passenger Shayne Blanco Villanueva, that the amount of Php50,000.00 was returned to passenger Villanueva which is allowed without the required BSP Import Clearance and recommended for the issuance of Warrant of Seizure and Detention against the remaining amount of Php401,000.00 for lack of the required BSP Import Permit/Clearance, and for violation of Sections 117 and 1113 of the Customs Modernization



and Tariff Act (CMTA) in relation to BSP Circular No. 1146 series of 2022 bearing the subject Amendments to the Rules on Cross Border Transfer of Local and Foreign Currencies.

WHEREAS, in a Memorandum dated 30 October 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, this Port, recommended for the issuance of Warrant of Seizure and Detention against the subject Php401,000.00 for violation of Section 1113 of the Customs Modernization and Tariff Act (CMTA), and BSP Circular No. 1146 series of 2022, referring to the Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies”.

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

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

“1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K).”

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of the Warrant of Seizure and Detention against the subject currencies for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 of the Customs Modernization and Tariff Act (CMTA).

WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules, and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject currencies intercepted from passenger **SHAYNE BLANCO VILLANUEVA** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Administrative Order (CAO) No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant of Seizure and Detention *ipso facto* considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules and regulations.

SO ORDERED.

NOV 19 2024

BOC-NAIA, Pasay City, _____, November 2024.

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

Law/wady/moz





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- versus -

Fifty-eight (58) packs of Estrofem 2mg. Two hundred sixty two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler **RYAN DELGADO COMIA** who arrived on 16 July 2024 from Thailand at NAIA Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 298-2024 (NAIA)

NOTICE OF DECISION

TO: MR. RYAN DELGADO COMIA
Camella Homes Subd.
Pasay City

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 20, 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 21st day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division


ATTY. HYACINTH A. MIRANDA
Hearing Officer

Encl.: As stated
Law/wdy/ham



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

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REPUBLIC OF THE PHILIPPINES

-versus-

Fifty-eight (58) packs of Estrofem 2mg, two hundred sixty-two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler **RYAN DELGADO COMIA** who arrived on 16 July 2024 from Thailand at NAIA Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 298-2024 (NAIA)

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above described Fifty-eight (58) packs of Estrofem 2mg, two hundred sixty-two (262) packs of Depo Monat and forty-two (42) packs of Diane 35 brought in by Filipino traveler Ryan Delgado Comia for violation of Section 118 (g) and 1113 (f) of the Customs Modernization and Tariff Act (CMTA), 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.

The antecedent facts of the instant case are as follows:

1. The above-described articles were brought in by traveler Ryan Delgado Comia with Passport No. P2572460B who arrived at the Ninoy Aquino International Airport Terminal 3 on 16 July 2024 on board Flight No. Z2286 from Thailand.
2. His checked-in baggage underwent non-intrusive inspection and was marked "X" by XIP Operator Maria Lyn Dela Ganar, and consequently referred to Customs Examiner Jewel Iris G. Abuejela for physical examination.
3. Before conducting physical examination, Examiner Abuejela asked traveler if he had completed E-Travel QR code which he replied in the negative. The Customs Examiner then instructed the traveler to fill out a Customs Baggage Declaration Form (CBDF). The traveler submitted his duly filled out Customs Baggage declaration Form (CBDF). It was noted that the traveler answered "No" to all the questions in the General Declaration. The Customs Examiner asked the traveler for more information as to the items inside his luggage before conducting the physical examination.
4. Thereafter examiner conducted physical examination on the subject baggage and yielded to the discovery of fifty-eight (58) packs of Estrogen 2mg, two hundred sixty-two (262) packs of Depo Monat and forty-two packs of Diane 35 with a total weight of sixty-nine (69) kilograms.
5. For failure to present Permit/Clearance from the Food and Drug Administration (FDA), Held Baggage Receipt No. 00100010956 was issued to passenger Comia and the confiscated articles were turned-over to Hamimah Mongondaya of the In-bond Unit, Baggage Assistance Division.



6. In a Memorandum dated 19 July 2024 for the District Collector, Customs Examiner Jewel Iris G. Abuejela and Flight Supervisor Manuel Mendoza, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mark Jhon O. Almase, Ph. D., Assistant Deputy Collector for Passenger Service and Deputy Collector for Passenger Service Norsalem Raymond M. Mama-o, submitted their Incident Report and recommended for the presentation of Permits/Certificates of Product Registration from Food and Drug Administration and payment of corresponding duties and taxes.
7. In a Memorandum dated 30 October 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of Import Permit/Clearance from the Food and Drug Administration (FDA) in violation of Republic Act 9711 or the Food and Drug Administration (FDA) Act of 2009.

DISCUSSION:

As culled from the records of the instant case, the subject parcel consigned to **RYAN DELGADO COMIA** 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:

xxx

- (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 substance; 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.**

Relatively, 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 expressly prohibits such exportation, to wit:

"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, distribution 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.**



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:

(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 parcel consigned to **RYAN DELGADO COMIA** are 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 final disposition thereof 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 20 2024 November 2024.


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

Wdy/law/ham





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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20 November 2024

MR. EDMUND YEN YONG SIM
10 Tantoco St., Pacific Malayan Village
Cupang, Alabang Muntinlupa City

Subject : Seizure Identification No. 297-2024 (NAIA)
Republic of the Philippines vs. One Hundred Fifty Thousand Pesos (Php150,000.00) Philippine Currency, intercepted from Singaporean traveler **EDMUND YEN YONG SIM**, on 16 August 2024, and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100008706

Dear **Mr. Edmund Yen Yong Sim**

This refers to the seized goods which is covered by Seizure Identification No. 297-2024 (NAIA) issued on November 19, 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. EMILIO Y. LEGASPI IV
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION
NO. 297-2024 (NAIA)

-versus-

One Hundred Fifty Thousand Pesos
(Php150,000.00) Philippine
Currency, intercepted from
Singaporean traveler **EDMUND
YEN YONG SIM**, on 16 August
2024, and held in custody at the In
Bond Section, Baggage Assistance
Division, under Held Baggage
Receipt No. 00100008706.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 16 August 2024, a male Singaporean traveler named Edmund Yen Yong Sim, with Passport Number K2426959E, arrived on board Philippine Airlines Flight PR 512 from Singapore. His hand carried luggage underwent the non-intrusive x-ray examination by XIP Inspector Mohamad Jonaid Udasan who detected suspicious image inside.

WHEREAS, XIP Udasan referred passenger Sim to Customs Examiner Jewel Iris G. Abuejela, who was then on duty at the Customs Arrival Area for verification and physical examination of his hand carried luggage.

WHEREAS, before conducting an actual examination, Customs Examiner Abuejela asked Mr. Sim to submit his e-Travel QR Code for scanning wherein he noted that the passenger answered "NO" to all the items in the General Declaration in the electronic Customs Baggage Declaration Form (e-CBDF). Thus, Customs Examiner Abuejela proceeded with the actual examination of passenger Sim's hand carried luggage.

WHEREAS, in the presence of passenger Sim and witnessed by ESS SAI Chucky Rei Austria and Flight Supervisor Michelle Ann Untalan, Customs Examiner Abuejela conducted an actual examination of the hand carried luggage which yielded the undeclared Philippine Currency in the total amount of Two Hundred Thousand Pesos (Php200,000.00) in Php1,000.00 peso bills. After the verified counting, the amount of Fifty Thousand Pesos (Php50,000.00) was returned to passenger Sim, which is the amount allowed to be carried by a passenger without the required BSP Permit or Clearance. Customs Examiner Abuejela then issued Held Baggage Receipt (HBR) No. 00100008706 to passenger Sim for the remaining amount of Philippine Pesos.

WHEREAS, the amount of Php150,000.00 was withheld from release for lack of the required BSP Permit or Clearance and thereafter it was turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum dated 16 August 2024, Jewel Iris G. Abuejela, Customs Examiner, and Michelle Ann M. Untalan, 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, informed the District Collector, this Port, of the interception of the Php150,000.00 from incoming passenger and recommended for the issuance of Warrant of Seizure and Detention against the subject amount for lack of the required BSP



Import Permit/Clearance, and for violation of Section 117 in relation to Section 1113 of the Customs Modernization and Tariff Act (CMTA), and BSP Circular No. 1146 series of 2022 bearing the subject Amendments to the Rules on Cross Border Transfer of Local and Foreign Currencies.

WHEREAS, in a Memorandum dated 30 October 2024 for Acting Chief, Law Division, 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 of Seizure and Detention against the said article which is held at the In-Bond Section, Baggage Assistance Division, this Port.

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

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

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of the Warrant of Seizure and Detention against the subject currencies for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 of the Customs Modernization and Tariff Act (CMTA).

WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules, and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject currencies intercepted from passenger **EDMUND YEN YONG SIM** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Administrative Order (CAO) No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant of Seizure and Detention *ipso facto* considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules and regulations.

SO ORDERED.

NOV 19 2024

BOC-NAIA, Pasay City, _____, November 2024.

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

Law/wady/eyllv





REPUBLIC OF THE PHILIPPINES
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20 November 2024

MR. SEONGGEUN MUN
Okada Hotel

Subject : Seizure Identification No. 296-2024 (NAIA)
Republic of the Philippines vs. Twenty thousand US Dollars
(USD20,000.00) Brought in by a Korean male Traveler
SEONGGEUN MUN under Held Baggage Receipt No.
00100009392

Dear **Mr. Seonggeun Mun**

This refers to the seized goods which is covered by Seizure Identification No. 296-2024 (NAIA) issued on November 19, 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



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REPUBLIC OF THE PHILIPPINES

-versus-

Twenty thousand US Dollars
(USD20,000.00) Brought in by a
Korean male Traveler
SEONGGEUN MUN under Held
Baggage Receipt No.
00100009392.

X-----X

SEIZURE IDENTIFICATION
NO. 296-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 05 November 2024, at around 2356H, a male Korean traveler named Seonggeun Mun with Passport no. M123S8949, arrived on board flight PR 419 from Korea, subjected to non-intrusive inspection by XIP Operator Brent Erwin Hernandez, who, thereafter, referred him to Ms. Clarice V. Musa, Acting Customs Examiner for verification.

WHEREAS, before conducting the physical examination, Customs Examiner Musa asked the passenger to scan his e-Travel QR code. It was noted that the traveler answered "NO" to all items in the General Declaration of the electronic Customs Baggage Declaration Form (e-CBDF). During the initial check on the traveler's bag, bundles of One Hundred US Dollar bills were seen.

WHEREAS, Customs Examiner Musa, invited traveler Mun and ESS SAI Dean Oran, and Flight Supervisor Dianne Karen V. Caceres to the exclusion room for physical counting and verification of the foreign currency. The physical examination yielded an actual amount of Thirty Thousand US Dollars (USD30,000.00)

WHEREAS, after the verified counting of Foreign Currency, a total amount of ten thousand US dollars (USD10,000.00) was returned to the traveler and a Held Baggage Receipt No. 00100009392 was issued for the excess amount of twenty thousand US dollars (USD20,000.00). The confiscated Foreign Currency was then turned over to Ritzton Ryan M. Mamisay of the In-bond Unit, Baggage Assistance Division for Safekeeping.

WHEREAS, in a Memorandum dated 06 November 2024, Clarice V. Musa, Acting Customs Examiner and Dianne Karen V. Caceres, 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, informed the District Collector, this Port, of the confiscation of Twenty Thousand US Dollars (USD20,000.00) from incoming traveler Seonggeun Mun and recommended for the issuance of Warrant of Seizure in violation of Section 1113 of the CMTA- Property Subject to Seizure and Forfeiture; Section 117 of the CMTA-Regulated Importation and Exportation; and 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 **SEONGGEUN MUN** 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.

NOV 19 2024

BOC-NAIA, Pasay City, _____, November 2024.

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

Law/wady/moz





REPUBLIC OF THE PHILIPPINES
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20 November 2024

MS. RAN INOUE
No given address

Subject : Seizure Identification No. 295-2024 (NAIA)
Republic of the Philippines vs. Thirty Million Japanese Yen
(JPY30,000,000.00) intercepted from incoming passenger
RAN INOUE on 01 September 2024

Dear **Ms. Ran Inoue**

This refers to the seized goods which is covered by Seizure Identification No. 295-2024 (NAIA) issued on November 19, 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,

Handwritten signature
ATTY. TEODOLFO MARTIN S. YERRO IV
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

-versus-

Thirty Million Japanese Yen
(JPY30,000,000.00) intercepted
from incoming passenger **RAN
INOUE** on 01 September 2024

x-----x

SEIZURE IDENTIFICATION
NO. 295-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 01 September 2024, at around 1730H, a Japanese passenger named Ran Inoue with Passport Number TT3054427 arrived at NAIA Terminal 3 on board flight 3K 764 from Kansai, Japan.

WHEREAS, Inoue's checked-in baggage was marked "X" after a non-intrusive examination by XIP Operator Maria Lyn Mallorca which was then referred to Customs Examiner Jaypee L. Chuidian for physical examination.

WHEREAS, prior to physical examination, Customs Examiner Chuidian instructed passenger Inoue to scan the e-Travel QR Code and hand over her passport. Upon checking the scanned QR code, Customs Examiner noted that the passenger ticked "NO" to all the items in the General Declaration. Consequently, passenger Inoue was verbally asked by the Customs Examiner if she had anything to declare to which she responded in the negative.

WHEREAS, in the presence of passenger Inoue, representatives from ESS SA1 Noredem Tomiana, CIIS Noel Torrecampo, and Flight Supervisor Patrick Guerrero, Customs Examiner Chuidian conducted the physical examination which yielded Thirty Million Japanese Yen (JPY30,000,000.00) equivalent to Two Hundred Five Thousand One Hundred Ninety-One US Dollars (USD205,191.00). Thereafter, a Held Baggage Receipt No. 00100011531 was issued to passenger Inoue for the undeclared amount of Thirty Million Japanese Yen (JPY30,000,000.00). The confiscated Foreign Currencies were turned over to Jonathan Mesa of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 05 November 2024, Customs Examiner Jaypee L. Chuidian and Flight Supervisor Patrick G. Guerrero 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, Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the amount of Thirty Million Japanese Yen (JPY30,000,000.00) for violation of Section 117 in relation to Section 1113 (I) (2) 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".



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 **RAN INOUE** 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, NOV 19 2024, November 2024.

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

Law/wady/tsy





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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20 November 2024

MS. JOANNA CHENG NG
212 Soler Street, Binondo, Manila

Subject : Seizure Identification No. 292-2024 (NAIA)
Republic of the Philippines vs. Twenty (20) Units of brand new Poco F6 Pro cellular phones brought in by incoming passenger **JOANNA CHENG NG** a Taiwanese national, who arrived on 14 July 2024, and held in custody under Held Baggage No. 00100008414

Dear **Ms. Joanna Cheng Ng**

This refers to the seized goods which is covered by Seizure Identification No. 292-2024 (NAIA) issued on November 19, 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





REPUBLIC OF THE PHILIPPINES
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REPUBLIC OF THE PHILIPPINES

SEIZURE ENTIFICATION
NO. 292-2024 (NAIA)

-versus-

Twenty (20) Units of brand new Poco F6 Pro cellular phones brought in by incoming passenger **JOANNA CHENG NG** a Taiwanese national, who arrived on 14 July 2024, and held in custody under Held Baggage Receipt No. 00100008414.

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the twenty (20) units of brand new Poco F6 Pro cellular phones were brought in by a Taiwanese passenger named **JOANNA CHENG NG**, with Passport Number 560012024 upon her arrival at the Ninoy Aquino International Airport on 14 July 2024 on board flight PR526 arrived from Malaysia.

WHEREAS, passenger Ng's luggage passed through the non-intrusive x-ray scanning and was marked "X" by SAI Michael Martinez, personnel of X-ray Inspection Project (XIP) and was later referred to the Customs Examiner on duty, Ariane Krisette M. Andaya, for physical examination.

WHEREAS, before conducting physical examination, Examiner Andaya asked the traveler if she had completed an E-travel QR code for scanning to which the traveller replied in the affirmative. After scanning the QR Code but due to printer malfunction and slow internet connection, the document was not printed. The Customs Examiner then instructed the traveler to fill-out the Customs Baggage Declaration Form (CBDF) and handed it to Customs Examiner with her passport. Upon checking the information in the CBDF, it was noted that the Customs Examiner asked the traveler for more information as to the items inside her luggage before conducting physical examination.

WHEREAS, Customs Examiner Andaya then conducted an actual physical examination of her luggage where she found inside are twenty (20) units of brand new Poco F6 Pro cellular phones with an estimated value of Five Hundred Seventy-One Thousand Nine Hundred eighty Pesos (Php571,980.00).

WHEREAS, Customs Examiner Andaya asked Passenger Ng if she had an Import Permit for the brand new cellular phones, to which she replied in the negative. Thereafter, Held Baggage Receipt No. 00100008414 was issued to Passenger Ng and twenty (20) units of brand new Poco F6 Pro cellular phones were turned-over to Hamimah H. Mangundaya for safekeeping while awaiting the submission of the Import Permit/Clearance from the National Telecommunications Commission (NTC) and the payment of duties and taxes on the said cellphones.

WHEREAS, in a Memorandum dated 01 August 2024 for the District Collector, the Customs Examiner and Acting Flight Supervisor, thru the Chief, Arrival Operations Division, Assistant Deputy Collector for Passenger Service, Deputy Collector for Passenger Service, recommended for the submission of the necessary permit/clearance from the National Telecommunications Commission. Further, the traveler is also required and instructed to provide proof of payment or any document indicating the value of the confiscated items as



reference for the computation and subsequent payment of duties, taxes and other charges. Furthermore, a surcharge of 30% of the total landed cost shall be paid by the traveler in addition to the duties, taxes and other charges, in violation of Section 1404 of the CMTA – Failure to Declare Baggage.

WHEREAS, in a Memorandum dated 30 October 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of National Telecommunications Commission (NTC) Import Permit.

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 **JOANNA CHENG NG** 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 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.

NOV 19 2024

BOC-NAIA, Pasay City, _____ November 2024.

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

law/wady/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





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20 November 2024

MR. TAKAYUKI KATO
201 Hotel Cebu

Subject : Seizure Identification No. 291-2024 (NAIA)
Republic of the Philippines vs. Twenty-eight (28) Units of used Aquos cellular phones brought in by incoming passenger **TAKAYUKI KATO**, a Japanese national, who arrived on 14 July 2024, and held in custody under Held Baggage Receipt No. 00100008425

Dear **Mr. Takayuki Kato**

This refers to the seized goods which is covered by Seizure Identification No. 291-2024 (NAIA) issued on November 19, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned seized goods, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

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

Very truly yours,

ATTY. HYACINTH A. MIRANDA
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

-versus-

Twenty-eight (28) Units of used Aquos cellular phones brought in by incoming passenger **TAKAYUKI KATO**, a Japanese national, who arrived on 14 July 2024, and held in custody under Held Baggage Receipt No. 00100008425.

X-----X

SEIZURE IDENTIFICATION
NO. 291-2024, (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the twenty-eight (28) units of used Aquos cellular phones were brought in by a male Japanese passenger named Takayuki Kato, with Passport Number TT2731754 upon his arrival at the Ninoy Aquino International Airport Terminal 3 on 14 July 2024 on board flight PR411 arrived from Osaka, Japan.

WHEREAS, passenger Kato's luggage passed through the non-intrusive x-ray scanning and was marked "X" by SAI Michael Martinez, personnel of X-ray Inspection Project (XIP) and was later referred to the Customs Examiner on duty, Ariane Krisette M. Andaya, for physical examination.

WHEREAS, before conducting physical examination, Examiner Andaya requested the traveler to present his passport and the e-travel generated QR Code for scanning. Further, Examiner explained to him that his checked-in baggage was flagged for physical examination. Upon checking the information in his 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 asked the traveler for more information about the items inside his luggage before conducting physical examination.

WHEREAS, Customs Examiner Andaya then conducted an actual physical examination of his luggage where she found inside are twenty-eight (28) units of used Aquos cellular phones.

WHEREAS, Customs Examiner Andaya asked Passenger Kato if he had an Import Permit for the used cellular phones, to which he replied in the negative. Thereafter, Held Baggage Receipt No. 00100008425 was issued to Passenger Kato and the twenty-eight (28) units of used Aquos cellular phones were turned over to Hamimah H. Mangondaya for safekeeping while awaiting the submission of the Import Permit/Clearance from the National Telecommunications Commission (NTC) and the payment of duties and taxes on the said cellphones.

WHEREAS, in a Memorandum dated 15 July 2024 for the District Collector, the Customs Examiner and Flight Supervisor, thru the Chief, Arrival Operations Division, Assistant Deputy Collector for Passenger Service, Deputy Collector for Passenger Service, recommended for the submission of the necessary permit/clearance from the National Telecommunications Commission. Further, the traveler is also required and instructed to provide proof of payment or any document indicating the value of the confiscated items as reference for the computation and subsequent payment of duties,



taxes and other charges. Furthermore, a surcharge of 30% of the total landed cost shall be paid by the traveler in addition to the duties, taxes and other charges, in violation of Section 1404 of the CMTA – Failure to Declare Baggage.

WHEREAS, In a Memorandum dated 30 October 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of National Telecommunications Commission (NTC) Import Permit.

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 **TAKAYUKI KATO** 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 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.

NOV 19 2024

BOC-NAIA, Pasay City, _____ November 2024.

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

law/wady/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





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20 November 2024

MR. YUQIAN ZHAO
Heritage Building, Malate

Subject : Seizure Identification No. 290-2024 (NAIA)
Republic of the Philippines vs. Sixty-Five (65) pieces of
Universal Serial Bus (USB) flash drive brought in by **YUQIAN**
ZHAO, a Chinese national and a holder of Passport Number
EH9987615

Dear **Mr. Yuqian Zhao**

This refers to the seized goods which is covered by Seizure Identification No. 290-2024 (NAIA) issued on November 19, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned seized goods, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

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

Very truly yours,


ATTY. HYACINTH A. MIRANDA
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

-versus-

Sixty-five (65) pieces of Universal Serial Bus (USB) flash drive brought in by **YUQIAN ZHAO**, a Chinese national and a holder of Passport Number EH9987615

X-----X

**SEIZURE IDENTIFICATION
NO. 290-2024 (NAIA)**

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, the above-described articles were brought in by passenger Yuqian Zhao with Passport No. EH9987615 who arrived at the Ninoy Aquino International Airport 05 August 2024 on board Flight No. MF817 from China;

WHEREAS, his checked-in baggage underwent non-intrusive inspection and was marked "X" by XIP Operator Michael Martinez, and consequently referred to Customs Examiner Reina Maala for physical examination;

WHEREAS, before conducting physical examination, Customs Examiner Maala asked the traveler if he accomplished his E-travel QR Code to which he replied in the negative. The Examiner then instructed the traveler to fill out manually a Customs Baggage Declaration Form (CBDF). The traveler then handed out his passport and the duly accomplished CBDF where he answered "No" to all items in the same. It was also noted that he declared the following items: "sixty-five (65) pieces of universal series bus (USB) and one (1) pieces controller, on the space provided on item no. 2 in the CBDF;

WHEREAS, examiner Maala proceeded to conduct physical examination on the subject baggage and yielded to the discovery of sixty-five (65) pieces of universal serial bus (USB) flash drive with a fair market value amounting to thirty-eight thousand pesos (Php38,000.00);

WHEREAS, for failure to present Permit/Clearance, Held Baggage Receipt No. 00100008571 was issued to passenger Zhao and the confiscated articles were turned-over to the Baggage Assistance Division for safekeeping.

WHEREAS, in a Memorandum dated 30 October 2024 for the District Collector, Customs Examiner Reina C. Maala and Flight Supervisor Reginaldo Z. Castaneda thru Acting Deputy Collector for Passenger Service Norsalem Raymond M. Mama-o and Chief, Arrival Operations Division, submitted their Incident Report and recommended for the presentation of Optical Media Board (OMB) Permit.

WHEREAS, in a Memorandum dated 30 October 2024, IOV Richard S. Rebong, DPA, Chief, Baggage Assistance Division, thru Acting Deputy Collector for Passenger Service, recommended for the issuance of Warrant of Seizure and Detention (WSD) against the subject articles for lack of OMB Permit.



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 USB Flash drives 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 **YUQIAN ZHAO** 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 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 19 2024 November 2024.

ATTY. MARIA YASMIN M. CEBILLOS-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





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20 November 2024

MR. FREVI JOY GANGAN
Marabukig 1, Cauyan City, Isabela

Subject : Seizure Identification No. 289-2024 (NAIA)
Republic of the Philippines vs. Nineteen (19) units of Assorted Mobile Phones brought in by FREVI JOY GANGAN on 16 August 2024 and held in custody under Held Baggage Receipt No. 00100011249

Dear **Mr. Frevi Joy Gangan**

This refers to the seized goods which is covered by Seizure Identification No. 289-2024 (NAIA) issued on November 19, 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,

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



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REPUBLIC OF THE PHILIPPINES

-versus-

Nineteen (19) units of Assorted Mobile Phones brought in by **FREVI JOY GANGAN** on 16 August 2024 and held in custody under Held Baggage Receipt No. 00100011249

SEIZURE IDENTIFICATION NO. 289-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 16 August 2024, a female Filipino passenger named Frevi Joy Gangan with Passport No. P7313050B arrived at NAIA Terminal 3 on board HB 231 from Hongkong.

WHEREAS, passenger Gangan's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by the XIP Operator Jayson Billante who then referred the same to Customs Examiner Kimberly A. Sangalang for physical examination.

WHEREAS, since the passenger did not have an e-Travel QR Code, she submitted her Customs Baggage Declaration Form (CBDF) to the Customs Examiner. Upon checking the CBDF, it was noted that the passenger answered "NO" to all items in the General Declaration except for item number 9. Passenger Gangan was then asked if she had anything to declare to which she responded in the affirmative.

WHEREAS, Customs Examiner Sangalang conducted the physical examination on her checked-in baggage which led to the discovery of Seven (7) Samsung Mobile Phones, Two (2) Redmi Mobile Phones, Two (2) Sony Mobile Phones, One (1) LG Mobile Phone, and Seven (7) Apple Mobile Phones with a total Fair Market Value of One Hundred Fifty Thousand Pesos (Php150,000.00). Customs Examiner Sangalang asked the passenger if she 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. 00100011249 was issued to the passenger and the subject articles were turned over to Mr. Jonathan Mesa of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 04 September 2024, Customs Examiner Kimberly A. Sangalang and Acting Flight Supervisor Jerico E. Flores, 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 for the presentation of Import Permit from the National Telecommunications Commission (NTC) and payment of duties and taxes after the presentation of invoice.

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 **FREVI JOY GANGAN** 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 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 19 2024** November 2024.

ATTY. MARIA YASMIN M. OBLILOS-MAFA,
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





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20 November 2024

MR. HAO WANG
Eurotel, Las Pinas City

Subject : Seizure Identification No. 288-2024 (NAIA)
Republic of the Philippines vs. Fifteen (15) units of Assorted
Flavored Vapes brought in by **HAO WANG** who arrived on 17
August 2024 at NAIA Terminal 3 and held in custody under
Held Baggage Receipt No. 00100011250

Dear **Mr. Hao Wang**

This refers to the seized goods which is covered by Seizure Identification No. 288-2024 (NAIA) issued on November 19, 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,

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



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REPUBLIC OF THE PHILIPPINES

-versus-

Fifteen (15) units of Assorted Flavored Vapes brought in by **HAO WANG** who arrived on 17 August 2024 at NAIA Terminal 3 and held in custody under Held Baggage Receipt No. 00100011250

x-----x

SEIZURE IDENTIFICATION
NO. 288-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 17 August 2024, a male Chinese passenger named Hao Wang with Passport No. EF2417978 arrived at NAIA Terminal 3 on board flight CZ 3091 from Guangzhou, China.

WHEREAS, on even date, the carry-on baggage of the passenger underwent a non-intrusive inspection conducted by XIP Operator Maria Lyn Mallorca and was referred to Customs Examiner Sheila May V. Asis for physical examination.

WHEREAS, Customs Examiner Asis asked the traveler to show his accomplished E-Travel Customs Baggage Declaration Form (CBDF). It was noted that the passenger answered "NO" to all items on the 3rd page of the E-Travel CBDF. The Customs Examiner asked for more information on the items to be examined before the physical examination.

WHEREAS, Customs Examiner Asis conducted the physical examination which led to the discovery of Fifteen (15) units of Assorted Flavored Vapes with a total estimated value of Six Thousand Pesos (Php6,000.00). Passenger Wang was informed by the Customs Examiner that the subject items require a prior permit/registration from the Department of Trade and Industry (DTI).

WHEREAS, for failure to present the necessary permit/clearance, a Held Baggage Receipt No. 00100011250 was issued to passenger Wang. Subsequently, the subject items were turned over to the Baggage Assistance Division for safekeeping.

WHEREAS, in a Memorandum dated 21 August 2024 addressed to the District Collector, this port, Customs Examiner Sheila May V. Asis, Flight Supervisor, Felipe Maria T. Regencia Jr., 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, Acting Deputy Collector for Passenger Service, recommended for the presentation of corresponding import Permit/Clearance from the Department of Trade and Industry (DTI) and payment of the duties and taxes prior to clearance and release.

WHEREAS, Section 19 of Republic Act No. 11900 expressly 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.”

WHEREAS, 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 citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that 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 office”.

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 a Warrant of Seizure and Detention against the Fifteen (15) units of Assorted Flavored Vapes for violation of Section 117 in relation to Section 1113(f) of the Customs Modernization and Tariff Act (CMTA) and Section 19 of Republic Act no. 11900 (An Act Regulating the Importation, Manufacture, Sale, Packaging, Distribution, Use and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products).



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 **HAO WANG** 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, NOV 19 2024, November 2024.

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

Law/wady/tsy





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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20 November 2024

MR. RYOTA TAKAGI
Malayan Plaza Hotel

Subject : Seizure Identification No. 287-2024 (NAIA)
Republic of the Philippines vs. Nine Thousand Philippine
Pesos (Php9,000.00) brought in by Japanese traveler named
RYOTA TAKAGI on 18 September 2024

Dear **Mr. Ryota Tagaki**

This refers to the seized goods which is covered by Seizure Identification No. 287-2024 (NAIA) issued on November 19, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned seized goods, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

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

Very truly yours,


ATTY. HYACINTH A. MIRANDA
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

-versus-

Nine Thousand Philippine Pesos
(Php9,000.00) brought in by
Japanese traveler named **RYOTA
TAKAGI** on 18 September 2024

X-----X

SEIZURE IDENTIFICATION
NO. 287-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on or about 1901H of 18 September 2024, on board flight no. Z2 286 from Dong Mueang, Thailand, a Japanese traveler named Ryota Takagi with Passport No. MJ3199495 arrived at the NAIA Terminal 3 and his hand carry baggage underwent non-intrusive inspection conducted by X-ray Inspection Project (XIP) Inspector Paul Joseph Lodea who thereafter referred to Customs Examiner John Carlo Baura for verification and physical examination of the items of the carry-on baggage which appeared to be bills.

WHEREAS, before conducting physical examination, Examiner Baura asked the traveler for the e-Travel QR Code for scanning, to which he responded in the affirmative. Upon scanning of the QR code, it was found that the traveler did not declare anything and answered "No" to all questions in the General Declaration.

WHEREAS, upon seeing a bundle of Philippine peso bills in the traveler's carry-on bag, the Customs Examiner immediately asked if the traveler had a prior written authorization from the Bangko Sentral ng Pilipinas (BSP) to which he replied in the negative. The traveler was then invited in the exclusion room for the verification and counting of the money.

WHEREAS, the physical examination yielded one hundred and Fifty-Nine (59) pieces of One Thousand Philippines Peso-bills equivalent to Fifty-Nine Thousand Pesos (Php59,000.00).

WHEREAS, in the presence of traveler Ryota Takagi and witnessed by ESS SAI Mark Jason Jupuri and supervised by flight Supervisor Felipe Maria T. Regencia, Jr., verified counting of the Philippine Currency was conducted and exceeded the threshold amount of fifty thousand pesos, the Customs Examiner explained to the traveler that prior written authorization from the BP was required, otherwise the amount in excess of Php50,000.00 shall be confiscated. Consequently, the allowable amount of Php50,000.00 pesos was returned to passengers while the excess amount of Nine Thousand Pesos was confiscated in violation of Section 1113 in relation to Section 117 of the CMTA and BSP Circular No. 1146 series of 2022 bearing the subject: Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies, and passenger was issued Held Baggage Receipt with number 00100011610. The confiscated Philippine currency was thereafter, turned over to Mr. Arbe Amama of the Baggage Assistance Division for safekeeping.

WHEREAS, on 18 September 2024, Acting Customs John Carlo M. Baura, Flight Supervisor Felipe Maria T. Regencia, Jr. 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), states:

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

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of the Warrant of Seizure and Detention against the subject currencies for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 of the Customs Modernization and Tariff Act (CMTA).

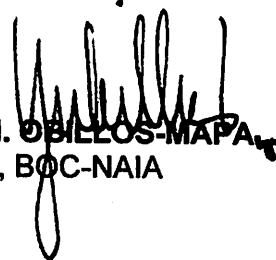
WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules, and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject currencies intercepted from passenger **RYOTA TAKAGI** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Administrative Order (CAO) No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant of Seizure and Detention *ipso facto* considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules and regulations.

SO ORDERED.

BOC-NAIA, Pasay City, NOV 19 2024, November 2024.

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



Wdy/law/ham





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20 November 2024

MR. SHENXIANG SHI
Vigan, Ilocos Sur

Subject : Seizure Identification No. 286-2024 (NAIA)
Republic of the Philippines vs. Thirty Thousand and Five
Hundred Philippine Pesos (Php30,500.00) confiscated from
incoming Chinese male traveler **SHENXIANG SHI** on 22
September 2024

Dear **Mr. Shenxian Shi**

This refers to the seized goods which is covered by Seizure Identification No. 286-2024 (NAIA) issued on November 19, 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



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REPUBLIC OF THE PHILIPPINES

-versus-

Thirty Thousand and Five Hundred
Philippine Pesos (Php30,500.00)
confiscated from incoming
Chinese male traveler
SHENXIANG SHI on 22
September 2024

X-----X

SEIZURE IDENTIFICATION
NO. 286-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 22 September 2024, at around 1709H, a male Chinese traveler named Shenxiang Shi with Passport No. EL9664417, arrived on board Flight MF817 from China. His carry-on baggage was subjected to non-intrusive inspection by XIP Inspector Sannylyn Fernandez, who, thereafter, referred him to Mr. John Carlo M. Baura, Acting Customs Examiner for verification.

WHEREAS, before conducting an actual examination of his carry-on baggage, Customs Examiner Baura asked the traveler for the e-Travel QR code for scanning, to which he responded in the affirmative. Upon scanning the QR code, it was found that the traveler did not declare anything and answered "NO" to all the questions in the Customs General Declaration Form (CBDF).

WHEREAS, the actual examination yielded eighty (80) pieces of one thousand Philippine Peso bills and one (1) piece of five hundred Philippine peso bill equivalent to Eighty Thousand and Five Hundred Pesos (Php80,500.00).

WHEREAS, after the verified counting of the Philippine Currency which exceeded the threshold, Customs Examiner Baura explained to the traveler that prior authorization from the BSP was required, otherwise the amount in excess of Php50,000 will be confiscated. The excess amount of Thirty Thousand and Five Hundred Pesos (Php30,500.00) was confiscated, and the amount of Fifty Thousand Pesos (Php50,000.00) was returned to Shenxiang Shi.

WHEREAS, a Held Baggage Receipt with number 00100008942 was issued for the excess amount of Thirty Thousand and Five Hundred Pesos (Php30,500.00) and was turned over to Ms. Sheila May Asis of the Baggage Assistance Division for safekeeping

WHEREAS, in a Memorandum dated 04 October 2024, John Carlo M. Baura, Acting Customs Examiner and Felipe Maria T. Regencia, Jr., 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, informed the District Collector, this Port, of the confiscation of the total amount of Thirty Thousand and Five Hundred Philippine Pesos (Php30,500.00) from incoming traveler Shenxiang Shi and recommended for the issuance of Warrant of Seizure and Detention for lack of the required BSP Import Permit/Clearance, and for violation of Sections 117 and 1113 of the Customs



Modernization and Tariff Act (CMTA) in relation to BSP Circular No. 1146 series of 2022 bearing the subject Amendments to the Rules on Cross Border Transfer of Local and Foreign Currencies.

WHEREAS, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (updated as of May 2023), states:

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

"1. Local Currency. A person may import or export, or bring into or take out of the Philippines, or electronically transfer, legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount not exceeding Php50,000.00 without prior authorization by the BSP.

Amounts in excess of aforementioned limit shall require: (a) prior written authorization from the BSP; and (b) in case of Physical cross-border transfer of Philippine currency, declaration of the whole amount brought into or taken out of the Philippines using prescribed Currency Declaration Form (Annex K)."

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of the Warrant of Seizure and Detention against the subject currencies for violation of Section 4 of the Manual of Regulations on Foreign Exchange Transactions, in relation to Sections 117 and 1113 of the Customs Modernization and Tariff Act (CMTA).

WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules, and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject currencies intercepted from passenger **SHENXIANG SHI** for violation of Sections 117 and 1113 of the Customs Modernization and Tariff Act, Section 4 of the Manual of Regulations on Foreign Exchange Transactions (as amended by BSP Circular Nos. 794 dated 18 April 2013, 874 dated 08 April 2015; 922 dated 23 August 2016 and 1146 dated 26 May 2022), and Republic Act No. 7653 dated 14 June 1993 (The New Central Bank Act); and to turn over the same to the Collection Division for custody and safekeeping, pending the resolution of the seizure case by the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Administrative Order (CAO) No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant of Seizure and Detention *ipso facto* considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules and regulations.

SO ORDERED.

BOC-NAIA, Pasay City, NOV 19 2024, November 2024.


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

Law/wady/moz





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REPUBLIC OF THE PHILIPPINES

- versus -

Forty (40) bottles of Pure NMN Supplements brought in by Malaysian traveler **TAN YING QIAN** on 06 June 2024 at NAIA Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 281-2024 (NAIA)

NOTICE OF DECISION

TO: MR. TAN YING QIAN
ibis Styles Manila Araneta

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 19, 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 20th day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division

Hyacinth A. Miranda
ATTY. HYACINTH A. MIRANDA
Hearing Officer

Encl.: As stated
Law/wdy/ham



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REPUBLIC OF THE PHILIPPINES

-versus-

Forty (40) bottles of Pure NMN
Supplements brought in by
Malaysian traveler **TAN YING QIAN**
on 06 June 2024 at NAIA Terminal
3

X-----X

SEIZURE IDENTIFICATION
NO. 281-2024 (NAIA)

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above described articles brought in the Philippines on June 06, 2024 by Mr. Tan Ying Qian for violation of Section 118(g) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711-The Food and Drug Administration Act of 2009.

A perusal of the records of the instant case shows the following antecedents:

1. The above-described articles were brought into the country by incoming passenger Tan Ying Qian, a Malaysian holder of Passport No. A59462543 who arrived at NAIA Terminal 3 on 06 June 2024 on board flight AK 582 from Malaysia.
2. Before conducting physical examination of the check-in baggage of Mr. Tan Ying Qian, Customs Examiner Reina C. Maala asked the passenger if he had anything to declare to which he responded in the affirmative. The passenger handed out his passport and accomplished CBDF where he declared that he brought supplements with him.
3. Customs Examiner Maala conducted physical examination of the check-in baggage of passenger Tan Ying Qian and yielded to the discovery of Forty (40) Bottles of Pure NMN. Passenger Tan Ying Qian failed to present the Import Permit/Clearance from the Food and Drug Administration (FDA).
4. Customs Examiner Maala withheld the release of the subject Forty (40) Bottles of Pure NMN and issued Held Baggage Receipt No. 00100010495. The goods were then turned over to the In-Bond Unit Baggage Assistance Division for custody and safekeeping.
5. However, up to this time, passenger Tan Ying Qian nor his duly authorized representative failed to appear at the Baggage Assistance Division to claim the subject articles.
6. Thus, on 22 August 2024, the Passenger Service recommended for the issuance of a Warrant of Seizure and Detention against the subject Forty (40) bottles of pure NMN for lack of FDA Import Clearance in violation of Republic Act No. 9711 or the Food and Drug Administration Act of 2009.



DISCUSSION:

As culled from the records of the instant case, passenger Tan Ying Qian brought into the country the subject articles without license, permit/clearance nor authorization from the FDA as required in Section 10 of RA 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 substance; 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 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 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, distribution 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.

(g) All other goods or parts thereof which importation and exportation are explicitly prohibited by law or rules and regulations issued by competent authority.



Moreover, 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 affected 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 exportation of the former;" (Underline for emphasis)

WHEREFORE, the subject articles brought in by passenger **TAN YING QIAN** 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 on 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 19 2024 November 2024.


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

Wdy/law/ham





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- versus -

Two (2) Deer Heads and Three (3) pairs of Deer Horns, brought in by passenger **JIM MARK WACGUIYAN PUCATE**, and held at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100011351

X-----X

SEIZURE IDENTIFICATION
NO. 280-2024 (NAIA)

NOTICE OF DECISION

TO: **MR. JIM MARK WACGUIYAN PUCATE**
Baguio City

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 19, 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 20th day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division


ATTY. MANUEL O. ZURBITO JR.
Hearing Officer

Encl.: As stated
Law/wdy/moz



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REPUBLIC OF THE PHILIPPINES

-versus-

Two (2) Deer Heads and Three (3) pairs of Deer Horns, brought in by passenger **JIM MARK WACGUIYAN PUCATE**, and held at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100011351.

X-----X

SEIZURE IDENTIFICATION
NO. 280-2024 (NAIA)

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described articles for violation of Section 117 in relation to Section 1113(f) of the Customs Modernization and Tariff Act (CMTA), and Sections 11 and 27 (i) of Republic Act 9147, otherwise known as the Wildlife Resources Conservation and Protection Act.

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

1. On 29 August 2024, Jim Mark Wacguiyan Pucate, a Filipino and holder of Passport No. P8293189A, arrived at NAIA Terminal 1 on board Qantas Airlines Flight QF019 from Sydney, Australia.
2. Passenger Pucate's check-in baggage underwent the non-intrusive examination by XIP Operator Paul Lodes, who, thereafter, referred him to Acting Customs Examiner John Rey M. Falcon for verification of the contents.
3. Before conducting an actual physical examination, Acting Examiner Falcon requested passenger Pucate to scan his e-Travel Code, wherein he noted that the latter answered "NO" to all the items in the General Declaration, except for Item 8 where he declared Ten US Dollars (US\$10.00) worth of chocolates. Acting Examiner Falcon likewise verbally asked passenger Pucate if he had anything to declare to which he replied in the affirmative.
4. Acting Examiner Falcon conducted an actual examination of the check-in baggage of passenger Pucate which yielded two (2) deer heads and three (3) pairs of deer horns. When asked if he had an Import Permit from the Department of Environment and Natural Resources (DENR) to transport the said items to the Philippines, Mr. Pucate failed to present the same.
5. The two (2) deer heads and three (3) pairs of deer horns were withheld from release and Acting Examiner Falcon issued Held Baggage Receipt No. 00100011351 to passenger Pucate. The goods were then turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.



6. In a Memorandum dated 30 August 2024 for the District Collector, this Port, John Rey M. Falcon, Acting Customs Examiner, and Gaylord Hilario C. Ventura, Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, and Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported the incident and recommended for the issuance of Warrant of Seizure and Detention against the two (2) deer heads and three (3) pairs of deer horns for violation of Section 117 in relation to Section 1113 of the Customs Modernization and Tariff Act (CMTA), and Republic Act (RA) No. 9147 entitled "Wildlife Resources Conservation and Protection Act" for lack of Import Permit to import the subject articles.

DISCUSSION:

At this juncture, it bears stressing that the importation of the subject article, not being supported by the corresponding clearances required by the Department of Environment and Natural Resources (DENR), violates Sections 11 and 27 (i) of Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act.

Sections 11 and 27 (i) of RA 9147 provides:

"Section 11. Exportation and/or importation of Wildlife. **Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto.** Provided, that the recipient of the wildlife is technically and financially capable to maintain it.

Section 27. Illegal acts. – Unless otherwise allowed in accordance with this Act, **it shall be unlawful for any person to willfully or knowingly exploit wildlife resources and their habitats, or undertake the following acts:**

X X X X X X

(i) Transporting of wildlife.

X X X X X X

All wildlife, its derivatives or by-products, and all paraphernalia, toots and conveyances used in connection with violations of this Act, **shall be ipso facto forfeited in favor of the government x x x.** The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area." (Underscoring and emphasis supplied)

On this score, Paragraph 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 119 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 119. Restricted importation and exportation. – Except when authorized by law or regulation, the importation or exportation of the following restricted goods are **prohibited**:



- (f) Any other goods whose importation and exportation are restricted.

WHEREAS, Section 1113 of the Customs Modernization and Tariff Act (CMTA) provides that:

“Section 1113. Property subject to Seizure and Forfeiture. –

xxx

- (i) Any package of imported goods which is found upon examination to contain goods not specified in the invoice or goods declaration including all other packages purportedly containing imported goods similar to those declared in the Invoice or goods declaration to be the contents of the misdeclared package; xxx

- (l) Goods sought to be imported or exported:

x x x

- (3) Through a false declaration or affidavit executed by the owner, importer, exporter, or consignee concerning the importation of such, goods;

x x x

- (5) Through any other practice or device contrary to law by means of which such goods entered through a customs office to the prejudice of the government.

WHEREFORE, the subject baggage brought in by passenger **JIM MARK WAGUIYAN PUCATE** are hereby declared *ipso facto* **FORFEITED** for violation of Section 1113 and Section 119 of the Customs Modernization and Tariff Act (CMTA), in relation to Sections 11, 27 (i) and 28 of Republic Act No. 9147, otherwise known as the “Wildlife Resources Conservation and Protection Act of 2001”, and were already turned-over to the Department of Environment and Natural Resources (DENR) Wildlife Traffic Monitoring Unit for custody pursuant to Section 8 (Custody of Seized Goods requiring immediate turn-over to Regulating Agencies) of Customs Administrative Order (CAO) No. 10-2020 bearing the subject: “Seizure and Forfeiture Proceedings 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 on the Bulletin Board of the Law Division, this Port, for information of all concerned.

SO ORDERED.

BOC-NAIA, Pasay City, NOV 19 2024, November 2024.

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

Law/wady/moz





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
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REPUBLIC OF THE PHILIPPINES

- versus -

Four (4) pieces Ambu Bag brought in by
Filipino passenger **RENE CARRANZA
VELAZCO** who arrived on 14 March
2024 at NAIA Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 279-2024 (NAIA)

NOTICE OF DECISION

TO: MR. RENE CARRANZA VELAZCO
Silang, Cavite

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 19, 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 20th day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division


ATTY. HYACINTH A. MIRANDA
Hearing Officer

Encl.: As stated
Law/wdy/ham



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REPUBLIC OF THE PHILIPPINES

-versus-

Four (4) pieces Ambu Bag brought in by Filipino passenger **RENE CARRANZA VELAZCO** who arrived on 14 March 2024 at NAIA Terminal 3

X-----X

SEIZURE IDENTIFICATION
NO. 279-2024 (NAIA)

DECISION

This resolves the seizure and forfeiture proceedings instituted against the above described articles brought in the Philippines on 14 March 2024 by Mr. Rene Carranza Velazco for violation of Section 118 (g) and Paragraph (f) of Section 1113 (Property Subject to Seizure and Forfeiture) of the Customs Modernization and Tariff Act (CMTA), in relation to Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Section 1 of Article I, Book II of the Rules and Regulations Implementing Republic Act No. 9711-The Food and Drug Administration Act of 2009.

A perusal of the records of the instant case shows the following antecedents:

1. The above-described articles were brought into the country by incoming passenger Rene Carranza, a Filipino holder of Passport No. P5688839A who arrived at NAIA Terminal 3 on 14 March 2024 on board flight CX 939 from United States of America (USA).
2. Before conducting physical examination of the check-in baggage of Mr. Velazco, Customs Examiner Kyle Christian U. Viloría asked the passenger if he accomplished a Customs Baggage Declaration Form (CBDF) or a QR Code for the e-travel. The passenger handed out his passport and accomplished CBDF. It was noted that the passenger answered "No" to all items in the 3rd page of the Form. The Customs Examiner requested more details regarding the items that he brought in before proceeding with the physical examination.
3. Customs Examiner Viloría conducted physical examination of the check-in baggage of passenger Velasco and yielded to the discovery of four (4) pieces of Ambu Bag. Passenger Carranza failed to present the Import Permit/Clearance from the Food and Drug Administration (FDA).
4. Customs Examiner Viloría withheld the release of subject four (4) Ambu Bag and issued Held Baggage Receipt No. 00100006681. Thereafter, the goods were turned-over to the Baggage Assistance Division for custody and safekeeping.
5. As of date, passenger Velazco nor his duly authorized representative failed to appear in the Baggage Assistance Division to claim the subject articles.
6. Thus, on 22 August 2024, the Passenger Service recommended for the issuance of a Warrant of Seizure and Detention against the subject four (4)



Ambu Bag for lack of FDA Import Clearance in violation of Republic Act No. 9711 or the Food and Drug Administration Act of 2009.

DISCUSSION:

As culled from the records of the instant case, passenger Rene Carranza Velazco brought into the country the subject articles without license, permit/clearance nor authorization from the FDA as required in Section 10 of RA 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 substance; 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 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 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, distribution 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.



(g) All other goods or parts thereof which importation and exportation are explicitly prohibited by law or rules and regulations issued by competent authority.

Moreover, 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 affected 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 exportation of the former;" (Underline for emphasis)

WHEREFORE, the subject articles brought in by passenger **RENE CARRANZA VELAZCO** 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 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 on the Bulletin Board of the Law Division and the Arrival Operations Division, this Port, for Information of all concerned.

SO ORDERED.

NOV 19 2024

BOC-NAIA, Pasay City, _____ November 2024.

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

Wdy/law/ham





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DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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REPUBLIC OF THE PHILIPPINES

- versus -

One Hundred Ninety-Two (192) pieces of LG Perioe Toothpaste brought in by incoming passenger **JUNGYUN LEE** who arrived on 15 April 2024 at NAIA Terminal 1 and held in custody under Held Baggage Receipt No. 00100007435

X-----X

SEIZURE IDENTIFICATION
NO. 278-2024 (NAIA)

NOTICE OF DECISION

TO: **MR. JUNGYUN LEE**
Savoy Hotel 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 19, 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 20th day of November 2024 at the Law Division, NAIA Customhouse, Pasay City, Metro Manila.

By the authority of
the Chief, Law Division

fa *#Damianda*
ATTY. TEODOLFO MARTIN S. YERRO IV
Hearing Officer

Encl.: As stated
Law/wdy/tsy



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REPUBLIC OF THE PHILIPPINES

-versus-

One hundred Ninety-Two (192)
pieces of LG Perioe Toothpaste
brought in by incoming passenger
JUNGYUN LEE who arrived on 15
April 2024 at NAIA Terminal 1 and
held in custody under Held
Baggage Receipt No.
00100007435

X-----X

SEIZURE IDENTIFICATION
NO. 278-2024 (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 15 April 2024, a male Korean passenger named Jungyun Lee with Passport No. M644D5456 arrived at the Ninoy Aquino International Airport Terminal 1 on board PR 419 from Incheon, Korea.
2. The checked-in baggage of Jungyun Lee was marked "X" by X-Ray Inspection Project (XIP) Operator Michael Martinez and was then referred to Customs Examiner Sheila May V. Asis for physical examination.
3. Before conducting the physical examination, Customs Examiner Asis asked passenger Lee to submit his duly accomplished Customs Baggage Declaration Form (CBDF). In the submitted CBDF, Customs Examiner Asis noted that the passenger ticked "NO" to all items in the General Declaration. Passenger Lee was asked if he had anything to declare to which he replied in the negative.
4. Customs Examiner Asis subsequently conducted the physical examination on his checked-in baggage which yielded One hundred Ninety-Two (192) pieces of LG Perioe Toothpaste with an estimated value of Nineteen Thousand Pesos (Php 19,000.00).
5. Passenger Lee was asked by Customs Examiner Asis if he had an Import Permit/Clearance from the Food and Drug Administration (FDA) for the said items found in his baggage. However, passenger Lee replied in the negative.
6. For failure to present the necessary Import Permit/Clearance, a Held Baggage Receipt No. 00100007435 was issued, and the subject items were turned over to the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.



7. In a Memorandum dated 15 April 2024 addressed to the District Collector, this Port, Customs Examiner Sheila May V. Asis and Flight Supervisor Felipe Maria T. Regencia, 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, Acting Deputy Collector for Passenger Service 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 the 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, Korean passenger Jungyun Lee brought into the country One hundred Ninety-Two (192) pieces of LG Perioe Toothpaste 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:

xxx

- (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 substance; 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.**

Relatively, 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 expressly prohibits such importation, to wit:

"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, distribution 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."

Further, as expressly stated in Section 9, Section 10, subsections (a), (e), (f), (g), (h) (i), (q), (r), (v), and (w) of Republic Act No. 3720, as amended, are hereby further amended, and new subsections (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll) and (mm) are hereby added to read as follows:

"SEC. 10. For the purposes of this Act, the term:

X X X

"(h) **"Cosmetics"** means any substance or preparation intended to be placed in contact with the various external parts of the human body or with the teeth and the mucous membranes of the oral cavity, with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odor, and/or protecting the body or keeping them in good condition.

X X X

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:

(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 baggage brought in by passenger **JUNGYUN LEE** 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 final disposition thereof 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 19 2024** November 2024.


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

Wdy/law/ham





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20 November 2024

MR. NARUESORN ANURAKSAP
The Beacon Tower 3
Makati City

Subject : Seizure Identification No. 276-2024 (NAIA)
Republic of the Philippines vs. Forty (40) units of Assorted
Brands of Mobile Phones brought in by **NARUESORN**
ANURAKSAP on 13 June 2024 and held incustody under Held
Baggage Receipt No. 00100010563

Dear **Mr. Naruesorn Anuraksap**

This refers to the seized goods which is covered by Seizure Identification No. 276-2024 (NAIA) issued on November 19, 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,

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



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-versus-

SEIZURE IDENTIFICATION
NO. 276-2024 (NAIA)

Forty (40) units of Assorted Brands of Mobile Phones brought in by **NARUESORN ANURAKSAP** on 13 June 2024 and held in custody under Held Baggage Receipt No. 00100010563

X-----X

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 13 June 2024, a Thai passenger named Naruesorn Anuraksap with Passport No. AB2777227 arrived at NAIA Terminal 3 on board 5J 930 from Thailand.

WHEREAS, passenger Anuraksap's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by the XIP Operator Joseph Paul Lodea who then referred to Customs Examiner Reina C. Maala for physical examination.

WHEREAS, before conducting the actual examination, Customs Examiner Maala asked passenger Anuraksap to submit his duly filled-out Customs Baggage Declaration Form (CBDF). Upon checking the CBDF, it was noted that the passenger answered "NO" to all items in the General Declaration of the CBDF. Passenger was then asked if he had anything to declare to which he responded in the negative.

WHEREAS, Customs Examiner Maala conducted the physical examination on his checked-in baggage which led to the discovery of Forty (40) units of Assorted Brands of Mobile Phones. Customs Examiner Maala 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. 00100010563 was issued to the passenger and the subject articles were turned over to Mr. Arbe Amama of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 14 June 2024, Customs Examiner Reina C. Maala and Acting Flight Supervisor Reginaldo Z. Castañeda, 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 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 forty (40) units of Telephones (Handphones) 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 **NARUESORN ANURAKSAP** 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.

NOV 19 2024

BOC-NAIA, Pasay City, _____ November 2024.

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

Law/wady/tsy





REPUBLIC OF THE PHILIPPINES
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20 November 2024

MR. MARK ANTHONY DANGOLA
Peninsula Makati

Subject : Seizure Identification No. 275-2024 (NAIA)
Republic of the Philippines vs. Fourteen (14) units of
Telephones (Handphones) brought in by **MARK ANTHONY**
DANGOLA on 16 June 2024 and Held in custody under Held
Baggage Receipt No. 00100008032

Dear **Mr. Mark Anthony Dangola**

This refers to the seized goods which is covered by Seizure Identification No. 275-2024 (NAIA) issued on November 19, 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,

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



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REPUBLIC OF THE PHILIPPINES

-versus-

Fourteen (14) units of Telephones (Handphones) brought in by **MARK ANTHONY DANGOLA** on 16 June 2024 and held in custody under Held Baggage Receipt No. 00100008032

X-----X

SEIZURE IDENTIFICATION
NO. 275-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 16 June 2024, an American passenger named Mark Anthony Dangola with Passport No. 593107961 arrived at NAIA Terminal 1 on board KE 623 from Korea.

WHEREAS, passenger Dangola's checked-in baggage underwent a non-intrusive inspection and was marked with "X" by the XIP Operator Michael Martinez who then referred to Customs Examiner Reina C. Maala for physical examination.

WHEREAS, before conducting the actual examination, Customs Examiner Maala asked passenger Dangola to submit his duly filled-out Customs Baggage Declaration Form (CBDF) or QR Code from E-Travel. Upon checking the scanned QR Code, it was noted that the passenger answered "NO" to all items in the General Declaration of the E-Travel. Passenger was then asked if he had anything to declare to which he responded in the affirmative.

WHEREAS, Customs Examiner Maala conducted the physical examination on his checked-in baggage which led to the discovery of Fourteen (14) units of Telephones (Handphones). Customs Examiner Maala asked the passenger if he had 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. 00100008032 was issued to the passenger and the subject articles were turned over to Ms. Sheila V. Asis of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 17 June 2024, Customs Examiner Reina C. Maala and Acting Flight Supervisor Jennifer Ivy M. Orbeta, 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 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 the 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 Fourteen (14) units of Telephones (Handphones) 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 **MARK ANTHONY DANGOLA** 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 NTC and OMB 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 19 2024 November 2024.

ATTY. MARIA YASMIN M. CEBALLOS-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
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20 November 2024

**KRISS WATANABE
YASUNOBU TAKAMOTO
YUKI WATANABE
MAXENE WATANABE and
MIYU WATANABE**
#34 Tanauan St., Brgy. Cupang
Alabang Hills Village, Muntinlupa City

Subject : Seizure Identification No. 274-2024 (NAIA)
Republic of the Philippines vs. Twenty-One Million Five Hundred Thousand Yen (JPY21,500,000.00) intercepted from departing passengers **KRISS WATANABE, YASUNOBU TAKAMOTO, YUKI WATANABE, MAXENE WATANABE and MIYU WATANABE** on 14 October 2024

Dear **Messrs. Kriss Watanabe, Yasunobu Takamoto,
Yuki Watanabe, Maxene Watanabe & Miyu Watanabe**

This refers to the seized goods which is covered by Seizure Identification No. 274-2024 (NAIA) issued on November 19, 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,

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



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REPUBLIC OF THE PHILIPPINES

-versus-

Twenty-One Million Five Hundred
Thousand Yen (JPY21,500,000.00)
intercepted from departing
passengers **KRISS WATANABE,**
YASUNOBU TAKAMOTO, YUKI
WATANABE, MAXENE
WATANABE and **MIYU**
WATANABE on 14 October 2024

x-----x

SEIZURE IDENTIFICATION
NO. 274-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 14 October 2024, at around 0918H, Japanese passengers named Kriss Watanabe with Passport Number TT6912445, Yasunobu Takamoto with Passport Number TT2193598, Yuki Watanabe with Passport Number MJ1651484, Maxene Watanabe with Passport Number MJ3927974 and Miyu Watanabe with Passport Number MJ3927978 were about to depart via JL746 bound for Tokyo.

WHEREAS, the carry-on baggage of the departing passengers underwent a non-intrusive examination by the personnel of the Office of the Transport Security (OTS) at the Final X-Ray Check Area and was referred to Customs Examiner Shenandoah S. Capili for physical inspection.

WHEREAS, Customs Examiner Capili asked the passengers to submit their Currency Declaration Form (CDF) to which they responded in the negative. Subsequently, the passengers were invited to the exclusion room for the physical examination of their baggage together with BOC-ESS Samuel M. Delos Santos and BOC-CIIS Alejandro F. Trespeces III.

WHEREAS, in the presence of passengers Kriss Watanabe, Yasunobu Takamoto, Yuki Watanabe, Maxene Watanabe and Miyu Watanabe, Customs Examiner Capili conducted the physical examination which yielded Twenty-Nine Million Yen (JPY29,000,000.00). The amount of Seven Million Five Hundred Thousand Yen (JPY7,500,000.00) was returned representing the total allowable amount to be brought out of the country. Thereafter, a Held Baggage Receipt No. 00100009314 was issued for the undeclared amount of Twenty-One Million Five Hundred Thousand Yen (JPY21,500,000.00). The confiscated Foreign Currencies were turned over to Annaliza Reyes of the In-Bond Unit, Baggage Assistance Division (BAD), for safekeeping.

WHEREAS, in a Memorandum for the District Collector, this Port, dated 14 October 2024, Customs Examiner Shenandoah S. Capili and Flight Supervisor Patrick Guerrero thru Atty. Manuel O. Zurbito Jr., Acting Chief, Departure 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 for the issuance of Warrant of Seizure and Detention (WSD) against the amount of Twenty-One Million Five Hundred Thousand Yen (JPY21,500,000.00) for violation of Section 117 in relation to Section 1113 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".

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

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

X X X X X X

2. Foreign Currency. Any person who brings into or takes out of the Philippines foreign currency, as well as other foreign currency denominated bearer monetary instruments in excess of US\$10,000.00 or its equivalent is required to declare the whole amount brought into or taken out of the Philippines using the prescribed Currency Declaration Form." (Underline for emphasis)

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules, and regulations, the NAIA District Collector found probable cause for the issuance of Warrant of Seizure and Detention against the subject currencies for violation of Section 117 of the Customs Modernization and Tariff Act (CMTA), and Bangko Sentral ng Pilipinas (BSP) Circular No. 1146, series of 2022, entitled, "Amendments to the Rules on Cross-Border Transfer of Local and Foreign Currencies"

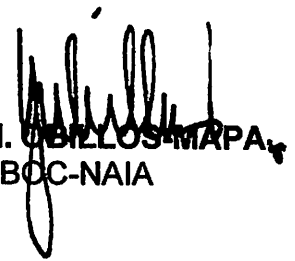
WHEREFORE, by virtue of the authority vested by law in this Office, and in compliance with applicable customs laws, rules, and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject currencies intercepted from incoming passengers **KRISS WATANABE, YASUNOBU TAKAMOTO, YUKI WATANABE, MAXENE WATANABE and MIYU WATANABE** 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, NOV 19 2024, November 2024.

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



Law/wady/eyllV





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20 November 2024

MR. ALFIAN
Makati City

Subject : Seizure Identification No. 273-2024 (NAIA)
Republic of the Philippines vs. Two Thousand Fifteen US Dollars (USD2,015.00) and Six Thousand Nine Hundred Singapore Dollars (SGD6,900.00) intercepted from incoming passenger **ALFIAN**

Dear **Mr. Alfian**

This refers to the seized goods which is covered by Seizure Identification No. 273-2024 (NAIA) issued on November 19, 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



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-versus-

Two Thousand Fifteen US Dollars
(USD2,015.00) and Six Thousand
Nine Hundred Singapore Dollars
(SGD6,900.00) intercepted from
incoming passenger **ALFIAN**

X-----X

SEIZURE IDENTIFICATION
NO. 273-2024 (NAIA)

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 03 September 2024, a male Indonesian national named ALFIAN arrived at the Ninoy Aquino International Airport on board Singapore Airlines Flight 918 from Singapore.

WHEREAS, passenger Alfian's handcarried luggage underwent the non-intrusive inspection by XIP Inspector Paul Joseph Lodea. ESS SA1 Joselito Custodio, then referred passenger Alfian to Sheila May V. Asis, Customs Examiner on duty at the Customs Arrival Area, for physical examination of his handcarried luggage.

WHEREAS, Customs Examiner Asis explained to Mr. Alfian that based on the image of the x-ray, there were bundles of bills detected inside his handcarried luggage. She then asked the passenger if he had currency to declare to which he replied in the negative. Customs Examiner Asis then asked passenger Alfian to show his accomplished E-Travel QR Code for scanning wherein she noted that the latter answered "No" to all the items in the General Declaration. He was later invited to the Customs Exclusion Room at the Arrival Area for the actual examination of his handcarried luggage, accompanied by ESS SAI Joselito Custodio and Flight Supervisor Reginaldo Z. Castaneda.

WHEREAS, Customs Examiner Asis further explained to passenger Alfian that cross-border transport of foreign currency in excess of the Ten Thousand US Dollars threshold or its equivalent in other foreign currencies, must be declared in the E-travel System, or in writing through the BOC's Foreign Currency Declaration Form or related documents.

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 **ALFIAN** 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, NOV 19 2024, November 2024.

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

Law/wady/moz





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20 November 2024

MR. QINGGUO YUAN
Astoria Plaza

Subject : Seizure Identification No. 268-2024 (NAIA)
Republic of the Philippines vs. Assorted Flavored Vapes and
e-Cigarette Battery brought in by **QINGGUO YUAN** who
arrived on 15 August 2024 at NAIA Terminal 3 and held in
custody under Held Baggage Receipt No. 00100011238

Dear **Mr. Qingguo Yuan**

This refers to the seized goods which is covered by Seizure Identification No. 268-2024 (NAIA) issued on November 19, 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,

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



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REPUBLIC OF THE PHILIPPINES

-versus-

Assorted Flavored Vapes and e-Cigarette Battery brought in by **QINGGUO YUAN** who arrived on 15 August 2024 at NAIA Terminal 3 and held in custody under Held Baggage Receipt No. 00100011238

X-----X

**SEIZURE IDENTIFICATION
NO. 268-2024 (NAIA)**

WARRANT OF SEIZURE AND DETENTION

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

WHEREAS, on 15 August 2024, a male Chinese passenger named Yuan Qingguo with Passport No. E89485421 arrived at NAIA Terminal 3 on board flight Z21265 from Hongkong.

WHEREAS, on even date, the checked-in baggage of the passenger was marked "X" after a non-intrusive inspection conducted by XIP Operator Paul Joseph Lodea and was referred to Customs Examiner Sybil Charmaine M. Bacyan for physical examination.

WHEREAS, since passenger Yuan did not have an e-Travel QR code, he submitted a Customs Baggage Declaration Form (CBDF). It was noted that the passenger answered "NO" to all items on the 3rd page of the CBDF.

WHEREAS, Customs Examiner Bacyan conducted the physical examination which led to the discovery of Two Hundred (200) units of E-Cigarette Battery and Two Hundred (200) assorted flavored vapes with a total estimated value of Forty Thousand Pesos (Php 40,000.00). Passenger Qingguo was informed by the Customs Examiner that the subject items require a prior permit/registration from the Department of Trade and Industry (DTI) and Food and Drug Administration (FDA).

WHEREAS, for failure to present the necessary permit/clearance, a Held Baggage Receipt No. 00100011238 was issued to passenger Qingguo. The items were then turned over to the Baggage Assistance Division for safekeeping.

WHEREAS, in a Memorandum dated 20 August 2024 addressed to the District Collector, this port, Customs Examiner Sybil Charmaine M. Bacyan, Acting Flight Supervisor, Cyrus V. Go, 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, Acting Deputy Collector for Passenger Service, recommended for the presentation of corresponding import Permit/Clearance from the Department of Trade and Industry (DTI), Food and Drug Administration (FDA), and payment of the duties and taxes prior to clearance and release.

WHEREAS, Section 19 of Republic Act No. 11900 expressly 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."

WHEREAS, 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 citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that 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 office".

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 a Warrant of Seizure and Detention against the Two Hundred (200) units of E-Cigarette Battery and Two Hundred (200) assorted flavored vapes for violation of Section 117 in relation to Section 1113(f) of the Customs Modernization and Tariff Act (CMTA), and Section 19 of Republic Act no. 11900 (An Act Regulating the Importation, Manufacture, Sale, Packaging, Distribution, Use and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products).



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 **QINGGUO YUAN** 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, NOV 19 2024, November 2024.

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

Law/wady/tsy

