



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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

Republic of the Philippines,

Seizure Identification

No. 2025-033

- versus -

Parcel with Tracking No. CR902440512DE, stc: Confectionery but found to actually contain Six (6) Oblaten Haselnussen, Four (4) Oblaten Schokocreme, Six (6) Studenten Futter (500g), Two (2) Treets Peanuts (250g), One (1) Treets Choco (250g), Two (2) Choco Kranze (250g), Two (2) Halloren O's Caramel & Seasalt (125g), One (1) Halloren O's Vanilla & Chocolate (125g), Eight (8) Manner Wien (110g), Six (6) Foil Pouch labeled as Tetesept Basisches Badesalz Pur containing more or less 537g of White Crystal Powder Substance and Five (5) Foil Pouch labeled as Tetesept Anti-Stress containing more or less 447g of White Crystal Powder Substance, which arrived at Surface Mail Exchange Department (SMED) on 07 April 2025, from Tram Ngoc Lamu of Wandsbeker Zallstrabe 5, 22041 Hamburg,

LUUTHI KIEU DIEM,
Claimant.

x ===== x

DECISION

This resolves the seizure proceeding instituted against the above-mentioned goods pursuant to Sections 118, 119 (d) and 1113 of the Customs Modernization and Tariff Act (CMTA), in relation to Republic Act (R.A.) No. 9165 otherwise known as the "Comprehensive Dangerous Drug Act of 2002";

The following are the antecedent facts, to wit:

On 07 April 2025, a Parcel with Tracking No. CR902440512DE stc: Confectionery arrived at Surface Mail Exchange Department (SMED) from Tram Ngoc Lamu of Wandsbeker Zallstrabe 5, 22041 Hamburg and consigned to **LUUTHI KIEU DEM** of The Rise Makati Yakal Street, San Antonio Makati City Metro Manila, 1203;

On 14 April 2025, the assigned customs examiner together with XIP, PhilPost-SMED, CIIS, ESS-CAIDTF and the Philippine Drug Enforcement Agency (PDEA) representative conducted physical examination of the subject parcel and was found to actually contain Six (6) Oblaten Haselnussen, Four (4) Oblaten Schokocreme, Six (6) Studenten Futter (500g), Two (2) Treets Peanuts (250g), One (1) Treets Choco (250g), Two (2) Choco Kranze (250g), Two (2) Halloren O's Caramel & Seasalt (125g), One (1) Halloren O's Vanilla & Chocolate (125g), Eight (8) Manner Wien (110g), Six (6) Foil Pouch labeled as Tetesept Basisches Badesalz Pur containing more or less 537g White Crystal Powder Substance and Five (5) Foil Pouch labeled as Tetesept Anti-Stress containing more or less 447g of White Crystal Powder Substance;



Thereafter, upon confirmatory test conducted by PDEA on even date, the samples taken were positive for the presence of Ketamine, as evidenced by Chemistry Report No. PDEA-NCR-25-0138 issued by Atty. Severino P. Uy, Jr., Chief, Examination Division;

Accordingly, in a Memorandum dated 29 April 2025, Pauline P. Rodriguez, COO III, Customs Postal Office, recommended the issuance of Warrant of Seizure and Detention (WSD) against the subject parcel in violation of Sections 118, 119(d) and 1113 of the Customs Modernization and Tariff Act (CMTA), in relation to R.A. 9165 also known as the "Comprehensive Dangerous Drug Act of 2002";

Thus, finding existence of probable cause, Warrant of Seizure and Detention was issued by Alexander Gerard E. Alviar, District Collector, this Port, against the subject shipment docketed under Seizure Identification No. 2025-033 against the above-mentioned article for violation of Sections 118, 119 (d) and 1113 of the Customs Modernization and Tariff Act (CMTA), in relation to R.A. 9165 also known as the "Comprehensive Dangerous Drug Act of 2002";

In a Memorandum dated 08 May 2025, SP/Capt. Rodrigo S. Gonzales, District Commander, CPD-ESS, returned the served Warrant of Seizure and Detention stating that due to limited personnel and the potentially risk nature of the service, substituted service was resorted to. The WSD was served via Philippine Postal Corporation on the even date under tracking no. RL 019 126 113 ZZ;

On 13 May 2025, a notice was posted at the Bureau of Customs website informing the owner/claimant that the District Collector of the Port of Manila issued a Warrant of Seizure and Detention docketed as Seizure Identification No. 2025-033;

On 02 June 2025, the Law Division, this Port received a Memorandum dated 30 May 2025, stating that the corrected name of consignee is **LUUTHI KIEU DIEM**, in relation to amended laboratory report No. PDEA-NCR-25-0138.

On 03 June 2025, the Turn-Over Receipt was forwarded to this Office.

Indubitably, the seized Six (6) Foil Pouch labeled as Tetesept Basisches Badesalz Pur containing more or less 537g of White Crystal Powder Substance and Five (5) Foil Pouch labeled as Tetesept Anti-Stress containing more or less 447g of White Crystal Powder Substance that tested positive for Ketamine is a dangerous drug under R.A. No. 9165 and the importation of which is prohibited pursuant to 118 of the CMTA.

"Section 4. Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.- The penalty of life imprisonment to death and a ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, **who, unless authorized by law, shall import or bring into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.**

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall import any controlled precursor and essential chemical.

The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and canceled.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.



The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section."

In relation to the above provision Sections 118 and 119 explicitly prohibit the importation of the subject articles, to wit:

"Sec. 118. Prohibited Importation and Exportation. – The importation and exportation of the following goods are prohibited:

XXXX XXXX XXXX

(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.

XXXX XXXX XXXX

Sec. 119. Restricted Importation and Exportation. – Except when authorized by law or regulation, the importation and exportation of the following restricted goods are prohibited:

(d) Marijuana, opium, poppies, coca leaves, heroin or other narcotics or synthetic drugs which are or may hereafter be declared habit forming by the President of the Philippines, or any compound, manufactured salt, derivative, or preparation thereof, except when imported by the government of the Philippines or any person duly authorized by the Dangerous Drugs Board, for medicinal purposes;

XXXX XXXX XXXX

The restriction to import or export the above stated goods shall include the restriction on their transit." (Emphasis supplied)

Finally, Section 1113 (l) of the CMTA makes articles imported contrary to law subject to forfeiture, to wit:

"Section 1113. Property Subject to Seizure and Forfeiture.- Property that shall be subject to seizure and forfeiture include:

XXXX XXXX XXXX

(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;

XXXX XXXX XXXX

(l) Goods sought to be imported or exported;

XXXX XXXX XXXX

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

(4) On the strength of a false invoice or other document executed by the owner, importer, exporter, or consignee concerning the importation or exportation of such goods; or



(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."

The subject prohibited drugs shall be disposed of as provided for by Section 1147 (d) of the CMTA, which provides:

"SEC. 1147. Disposition of Restricted Goods. – Restricted goods as described in Section 119 of this Act shall be disposed as follows:

XXXX XXXX XXXX


(d) Marijuana, opium, poppies, coca leaves, heroin, or other narcotics or synthetic drugs which are or may hereafter be declared habit forming by the President of the Philippines, or any compound, manufactured salt, derivative, or preparation thereof, shall be turned over to the Dangerous Drugs Board;"

WHEREFORE, by virtue of the authority vested in me by law, it is hereby ordered and decreed that the Parcel with Tracking No. CR902440512DE, stc: Confectionery but found to actually contain Six (6) Oblaten Haselnussen, Four (4) Oblaten Schokocreme, Six (6) Studenten Futter (500g), Two (2) Treet's Peanuts (250g), One (1) Treet's Choco (250g), Two (2) Choco Kranze (250g), Two (2) Halloren O's Caramel & Seasalt (125g), One (1) Halloren O's Vanilla & Chocolate (125g), Eight (8) Manner Wien (110g), Six (6) Foil Pouch labeled as Tetesept Basisches Badesalz Pur containing more or less 537g of White Crystal Powder Substance and Five (5) Foil Pouch labeled as Tetesept Anti-Stress containing more or less 447g of White Crystal Powder Substance that tested positive for Ketamine, which arrived at Surface Mail Exchange Department (SMED) on 07 April 2025, from Tram Ngoc Lamu of Wandsbeker Zallstrabe 5, 22041 Hamburg and consigned to **LUUTHI KIEU DIEM** of The Rise Makati Yakal Street, San Antonio Makati City Metro Manila, 1203, be **FORFEITED** in favor of the Government for violation of Sections 118, 119(d), and 1113 of R.A. No. 10863 otherwise known as the "Customs Modernization and Tariff Act" (CMTA) in relation to Section 04 Article II of R.A. No. 9165 "Comprehensive Dangerous Drug Act of 2002" to be disposed of in the manner provided for by law.

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

SO ORDERED.

Port of Manila, Philippines, JUN 27 2025.


ALEXANDER GERARD E. ALVIAR
District Collector
Port of Manila

