



Republic of the Philippines  
Office of the President  
**DANGEROUS DRUGS BOARD**

3/F, DDB-PDEA Building, NIA Northside Road, National Government Center, Brgy. Pinyahan, Quezon City, NCR Philippines  
P.O Box No. 3682 Manila, Tel. No. 929-1753, Website: <http://www.ddb.gov.ph>, E-mail: [Info@ddb.gov.ph](mailto:Info@ddb.gov.ph)

**BOARD RESOLUTION NO. 143**  
**Series of 2013**

**SUBJECT: IMPOSITION OF TEN THOUSAND PESO (PHP 10,000.00) FINE AGAINST BINE PHILIPPINES, INC. FOR ITS MARCH 14, 2013 SHIPMENT WITHOUT THE NECESSARY PDEA PERMIT**

**WHEREAS**, pursuant to Section 81 (b) and (r) of Article IX of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 (RA 9165), the Board issued Board Regulation No. 3, Series of 2003 which provides for the “Comprehensive Guidelines on Importation, Distribution, Manufacture, Prescription, Dispensing and Sale of, and Other Lawful Acts in Connection with any Dangerous Drugs, Controlled Precursors and Essential Chemicals and other Similar or Analogous Substances”;

**WHEREAS**, pursuant to Section 81 (b) and (r) of Article IX of RA 9165, the Board likewise issued Board Regulation No. 5, Series of 2006, which provides for the “Imposition of Fines and other Sanctions for Violations Committed on the Pertinent Provisions of Board Regulation No. 3, Series of 2003;

**WHEREAS, BINE PHILIPPINES, INC.**, with business address at Golden Mile Business Park, Carmona, Cavite, is engaged in the manufacture and export of jewelries and fashion accessories for the past seventeen (17) years;

**WHEREAS, BINE PHILIPPINES, INC.** is possessed of PDEA P5 – IM license with License No. P5-IM-01852001 (license to import specified controlled chemicals as end – user);

**WHEREAS**, on March 14, 2013, a shipment arrived at Ninoy Aquino International Airport with **BINE PHILIPPINES, INC.** as consignee consisting of 100 units of RH5RM plating solution which contains controlled chemicals (with 6% Sulfuric Acid by weight);

**WHEREAS**, subject shipment arrived without the necessary importation permit / certificate of exemption, in violation of Section 6 (2) (b) of Board Regulation No. 3, Series of 2003 which states that no operator shall import any dangerous drug or controlled chemicals and their preparations in the absence of a separate import permit or Certificate of Exemption;

**WHEREAS**, Section 29 (d) of Board Regulation No. 3, Series of 2003 provides that a consignment of a dangerous drug or controlled chemical is liable to forfeiture if there is no import permit from the PDEA;

**WHEREAS**, Section 1 (1) of Board Regulation No. 5, Series of 2006 provides that in case of violation of terms and conditions of a license granted by the PDEA, a fine of P10,000.00 shall be imposed against the violator with a stern warning that repetition of the same offense shall be dealt with in accordance with Section 32 , Article II of RA No. 9165 and other applicable penal laws;

**WHEREAS**, on March 20, 2013, the PDEA directed **BINE PHILIPPINES, INC.** to pay the fine of P10,000.00 without prejudice to the conduct of forfeiture proceedings by the Bureau of Customs;

**WHEREAS, BINE PHILIPPINES, INC.** manifested that it is willing to pay the fine and it only appeals the conduct of forfeiture proceedings against subject shipment;

**WHEREAS**, after evaluation of the Technical Working Group (TWG) on Exemption, it has been determined that the violation committed by **BINE PHILIPPINES, INC.** was not willful and without intent to flout existing Board Regulations, for there was a mere misunderstanding on the part of said company and its supplier;

**WHEREAS, BINE PHILIPPINES, INC.** ordered Rhodium from its supplier with the purpose of mixing said chemical with sulfuric acid and other ingredients it had purchased locally for the plating of its jewelries and in fact hired a chemist from its supplier to perform the mixing process, but the supplier instead shipped RH5RM which already contains sulfuric acid;

**WHEREAS**, the TWG also made a background review and found out that **BINE PHILIPPINES, INC.** has not been previously involved in any violation of rules and regulations enforced by the PDEA and the company has also manifested that it is willing to pay the imposed fine and is only appealing the penalty of forfeiture;

**WHEREAS**, the Sulfuric Acid content is only six percent (6%), therefore, the controlled chemical component is very minimal and neither does it present a risk of abuse nor the quantity of the same be recovered to present such risk;

**WHEREAS**, the mixture is formulated in such a way that the controlled chemical component can neither be extracted nor it can be used for the illicit manufacture of dangerous drug;

**WHEREAS**, the TWG also believes that to subject the shipment to forfeiture proceedings due to an unintentional lapse or simple negligence would not be commensurate to the violation committed and may be construed as an act that will hamper operations of legitimate industries;

**WHEREFORE**, be it **RESOLVED**, as it is hereby **RESOLVED**: That -

- a. That the penalty of **TEN THOUSAND PESOS (Php 10,000.00)** be imposed against **BINE PHILIPPINES, INC.** as a result of its importation of products containing controlled chemicals without the proper import permit / certificate of exemption;
- b. The March 14, 2013 shipment of **BINE PHILIPPINES, INC.** has satisfactorily **COMPLIED** with the DDB / PDEA administrative and regulatory requirements;
- c. The recommendation of forfeiture be **WITHDRAWN** without prejudice to whatever sanctions the Bureau of Customs may impose for violation/s of the Tariff and Customs Code;
- d. **BINE PHILIPPINES, INC. SUBMIT** with the Board an **EXPLANATION** of corrective measures that it would undertake to avoid a repetition of the incident within **TEN (10) WORKING DAYS**;
- e. The DDB – PDEA Monitoring Team shall be allowed access to **BINE PHILIPPINES, INC.** premises where raw materials and finished products are being kept and / or used; and

f. **BINE PHILIPPINES, INC. IS STERNLY WARNED THAT A REPETITION OF SAID ACT SHALL BE DEALT WITH MORE SEVERELY.**

**APPROVED and ADOPTED** this 6<sup>th</sup> day of May, in the year of Our Lord, 2013 in Pampanga.

(Sgd) **Secretary ANTONIO A. VILLAR, JR.**  
Chairman, Dangerous Drugs Board

Attested:

(Sgd) **Undersecretary JOSE MARLOWE S. PEDREGOSA**  
Secretary of the Board