



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

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**BOARD RESOLUTION NO. 213**  
**Series of 2013**

**SUBJECT: IMPOSITION OF TEN THOUSAND PESO (PHP 10,000.00) FINE AGAINST SHORR INDUSTRIAL SALES, INC. FOR ITS MARCH 14, 2013 IMPORTATION 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, SHORR INDUSTRIAL SALES, INC.**, with business address at Cavite Light Industrial Park, Silang, Cavite, is engaged in the importation of construction materials, supplies and equipment for the past 29 years;

**WHEREAS, SHORR INDUSTRIAL SALES, INC.** is P3 (End-user of specified controlled chemicals) and P5I (License to import specified controlled chemicals) licenses valid until June 28, 2013;

**WHEREAS**, on March 4, 2013, a shipment arrived at the Ninoy Aquino International Airport with **SHORR INDUSTRIAL SALES, INC.** as consignee consisting of 25 units of Cold Bonding Adhesive at 4 liters per unit which contains controlled chemicals (with 10-30% Toluene and 10-30% Methyl Ethyl Ketone 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, SHORR INDUSTRIAL SALES, INC.** made an appeal with the PDEA relative to subject shipment, but the PDEA advised the company to refer the matter to the Board;

**WHEREAS,** after evaluation of the Technical Working Group (TWG) on Exemption, it has been determined that the violation committed by **SHORR INDUSTRIAL SALES, 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,** the employee of **SHORR INDUSTRIAL SALES, INC.** handling the importation has just resigned and the substitute, who was newly – hired and unfamiliar with the formalities relative to importation, failed to apply for the PDEA permit due to time constraints;

**WHEREAS,** the employee stated on record that it was her first time to handle importation for **SHORR INDUSTRIAL SALES, INC.** and was not properly briefed considering that the person knowledgeable and focal person on formalities relative to importation was the person who resigned from the company;

**WHEREAS, SHORR INDUSTRIAL SALES, INC.** has been previously penalized for a similar act, having violated the Board Regulation No. 3, Series of 2003 due to lack of proper importation permit on May 2012, and therefore its officers could be made liable for violation of Section 32 (Liability to a Person Violating Any Regulation Issued by the Board) of RA 9165, as provided under Board Regulation No. 5, Series of 2006;

**WHEREAS,** after deliberation and investigation by the TWG on the first violation, it has been determined that **SHORR INDUSTRIAL SALES, INC.** did not order any goods from its supplier and that the goods were shipped by mistake, an error which was admitted by the supplier based on submitted records and such fact of shipment was beyond the control of the company;

**WHEREAS,** the controlled chemical component in subject shipment 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 and the same is used to bond rubber to metals, in order to increase the durability of metals;

**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 **SHORR INDUSTRIAL SALES, INC.** as a result of its importation of products containing controlled chemicals without the proper import permit / certificate of exemption;
- b. The recommendation of forfeiture proceedings by the PDEA provided for in Section 29 (d) of DDB Board Regulation No. 3, Series of 2003 be **WITHDRAWN UPON PAYMENT OF THE FINE MENTIONED IN THE IMMEDIATELY PRECEDING PARAGRAPH;**

- c. The **SHORR 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**;
- d. The DDB – PDEA Monitoring Team shall be allowed access to **SHORR PHILIPPINES, INC.** premises where raw materials and finished products are being kept and / or used; and,
- e. **SHORR PHILIPPINES, INC. IS STERNLY WARNED THAT A REPETITION OF SAID ACT SHALL BE CAUSE FOR PROSECUTION UNDER SECTION 32, ARTICLE II OF RA NO. 9165.**

**APPROVED and ADOPTED** this 11<sup>th</sup> day of July, in the year of Our Lord, 2013 in Quezon City.

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

Attested:

(Sgd) **JOSE MARLOWE S. PEDREGOSA**  
UNDERSECRETARY-Executive Director  
Secretary of the Board

