Republic of the Philippines
COURT OF TAX APPEALS
Manila

BIENVENIDO CAPULONG,
Petitioner,

- versus - C.T.A. CASE NO. 865

TIMOTEO Y. ASERON, in his capacity as Acting Commissioner of Customs,
Respondent.

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D E C I S I O N

This is an appeal from the decision of respondent Commissioner of Customs affirming that of the Collector of Customs of Manila which decreed the forfeiture of thirty-nine packages of various kinds of merchandise imported from abroad by petitioner sometime in 1954. The facts of the case are stated in the stipulation of facts submitted by the parties, pertinent portions of which are as follows:

> 1. That the petitioner is of legal age, married, Filipino and a resident of 1138 Quezon Boulevard, Manila, while respondent is the duly qualified Acting Commissioner of Customs with offices located at the Bureau of Customs Building, Port Area, Manila;
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> 2. That on October 20, 1954, the petitioner imported from Hongkong into the Philippines thirty-nine (39) packages of various kinds of merchandise which were declared under Import Entry No. 84039, Series of 1954;
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> 3. That the above merchandise was covered by a Bill of Lading and official receipts evidencing payment of customs duties and sales taxes, but was not covered by consular invoice;
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> 4. That the value of the above merchandise is ₱22,410.00, which importation

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was effected thru the no-dollar remittance system;

5. That the above merchandise was not covered by any import license and release certificate from the Central Bank of the Philippines and was the subject of Seizure Identification No. 2087, instituted by the respondent and or his duly authorized representative for the failure of the petitioner to produce the import license and the Central Bank Release Certificate covering the subject merchandise as required by Central Bank Circulars Nos. 44 and 45, in relation to Section 1363(f) of the Revised Administrative Code;

6. That the above-mentioned shipment was, however, released and delivered to the petitioner under Surety Bond No. 109 in the amount of ₱22,410.00, of the Pioneer Insurance and Surety Corporation, posted by the petitioner and the said surety corporation;

7. That on May 18, 1960, the respondent rendered judgment in the above-mentioned Seizure Identification No. 2087, the dispositive part of which reads as follows:

> "WHEREFORE, by authority of Section 1380 of the Revised Administrative Code in relation to Section 3702 of the Tariff and Customs Code of the Philippines, it appearing that the subject merchandise were released to the claimant under Surety Bond No. 109 (1954) of the Pioneer Insurance & Surety Corporation, with a value of TWENTY TWO THOUSAND FOUR HUNDRED TEN (₱22,410.00) PESOS, it is hereby ordered that the said bond be, as the same is hereby confiscated, and the principal, Bienvenido Capulong, as well as the surety, Pioneer Insurance & Surety Corporation, are hereby ordered, jointly and severally, to pay in cash the afore-stated amount to the Bureau of Customs within thirty (30) days from receipt of a copy of this decision in accordance with the terms of the said bond." (See pp. 25-26, C.T.A. records.)

There is no question that the articles in question were imported in violation of Central Bank Circulars Nos. 44 and 45 and are therefore subject to forfeiture under Section 1363(f) of the Administrative Code (now Section 2530(f), Tariff & Customs Code). It is, however, contended that with the promulgation of Central Bank Circular No. 133, all actions and proceedings involving forfeiture of goods for violation of Circulars Nos. 44 and 45 which have not been reduced to final judgment are deemed abrogated.

The question raised by petitioner is not new. In several cases already decided by this Court it was held that Circulars Nos. 44 and 45 were not repealed by Circular No. 133, and that assuming that they were repealed, the legality of the forfeiture proceeding under the old circulars is not affected by their subsequent repeal. The expiration or repeal of said circulars did not have the effect of legalizing an importation of goods which was illegal at the time of importation. (See Litton & Co., Inc. v. Com. of Customs, C.T.A. No. 784, October 30, 1963, and cases cited therein.)

WHEREFORE, the decision appealed from is hereby affirmed, with costs against petitioner.

SO ORDERED.

Manila, February 24, 1964.

ROMAN M. UMALI
Associate Judge

WE CONCUR:

MARIANO NABLE
Presiding Judge

AUGUSTO M. LUCIANO
Associate Judge

48