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JESUS R. ECHAVES,
Petitioner,

\- versus -

C.T.A.
CASE NO. 385

May 15, 1959

COLLECTOR OF CUSTOMS OF MANILA
and COMMISSIONER OF CUSTOMS,
Respondents.

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D E C I S I O N

In January, 1952, there arrived in Manila from Zamboanga City 21 cases containing various merchandise, described as follows:

<u>January 2, 1957 - M/V Elizabeth, Voy. 26</u>

Mark - BLY - 5 cases various merchandise
Mark - CHK - 5 cases various merchandise

<u>January 4, 1957 - M/V Victor, Voy. 27</u>

Mark - GBT - 6 cases various merchandise
Mark - CH - 5 cases various merchandise

The persons named in the bills of lading as shippers of said merchandise were: (1) Han Lu Yeak, shipper of BLY cargoes; (2) Chin Ho Kee, shipper of CHK cargoes; (3) Go Ben Tiong, shipper of GBT cargoes; and (4) Chua Huat, shipper of CH cargoes. The bills of lading also show that the goods were consigned to order, although information obtained by a customs investigator revealed that they were allegedly consigned to one Mr. Uy, Wellington Building, Reyna Regente, Binondo, Manila. As Mr. Uy did not show up to claim the goods, and as it appears that there was no one by that name at the address indicated, the Customs authorities concluded that the alleged consignee is a fictitious person.

Proceedings for the seizure and forfeiture of the goods were instituted by the Collector of Customs of Manila for violation of Section 1363 (m)-1 of the Administrative Code and Section 3 of Republic Act No. 1410, because "no explanation regarding their lawful importation was available, for in fact none appeared as owner or owners thereof at the time of inspection." After due hearing, the goods were declared forfeited in a decision of the Collector of Customs of Manila dated February 4, 1957, which decision was approved by the Commissioner of Customs on February 28, 1957, pursuant to Section 1381 of the Administrative Code.

The petitioner, claiming to be the owner of the goods, appealed from the decision of respondents. Counsel for respondents filed a motion to dismiss on the ground that the petition for review states no cause of action. The question was resolved by this Court in its resolution of November 18, 1957. We are now concerned solely with the question whether or not petitioner is entitled to the recovery of the goods or of the proceeds of the sale thereof.

The parties have submitted a stipulation of facts, as follows:

> "1. That the articles in question arrived in Manila from the Port of Zamboanga on January 2 and 4, 1957, in twenty-one (21) cases, more particularly described as follows:

'January 2, 1957 aboard the M/V 'Elizabeth', Voy. 26; under B/L No. 5, five(5) cases marked 'BLY' containing 'various' description of articles, valued at ₱600.00, shipped by Ban Lu Yeak at Zamboanga City and consigned to Order with destination at Manila; and under B/L No. 2, five (5) cases, marked 'CHK', containing 'various' description of articles, valued at ₱800.00; shipped by Chin Ho Kee at Zamboanga City and consigned to Order with destination at Manila.

'January 4, 1957 on board the M/V 'Victor', Voy. No. 27; under B/L No. 4, six (6) cases marked 'GBT', containing 'various' articles valued at ₱1,000, shipped by Go Ben Ting at Zamboanga City and consigned to Order with destination at Manila; and under B/L No. 5, five (5) cases, marked 'C.H.' containing 'various' description of articles valued at ₱800.00, shipped by Chua Huat at Zamboanga City and consigned to Order with destination at Manila.'

"2. That as per report of A. V. Ligsay, Sgt., PPD, Bureau of Customs, all these cargoes were allegedly consigned to one Mr. Uy (believed to be fictitious) allegedly residing at the Wellington Building, Reyna Regente, Binondo, Manila. Information about the consignee was furnished by Kay Miranda, Manager of 707 Trucking Co. who attempted to take delivery of the cargoes from Pier No. 6 on January 5, 1957.

"3. That upon examination by a Customs Examiner of the articles contained in the twenty-one (21) cases in question they were found to contain -

	"DESCRIPTION	VALUE
10 cases	1,000 tins saccharin 'Monsanto' 1 lb ea. Approx. $1.60 lb.	$1,600.00
	Dutiable Wt. - 585 kos. Taxable Wt. - 454 kos.	

3 cases	298 doz. of 7 pcs. Harmonica	447.75
2 cases	227 dozs. Assorted lighters	424.70
5 cases	280 dozs. & 10 pcs. Asst. toys	2,040.00
	100 dozs. Plastic cigarette cs.	60.00
	21 dozs. Cotton socks ...	25.20
1 case	2,400 pcs. Imitation pearl necklace of 3 strands each	600.00
	T o t a l	$5,197.65

"4. That the proceedings for the seizure and forfeiture of the articles were instituted by respondent Collector of Customs of Manila under Seizure Identification Nos. 5379, 5380, 5381 and 5382 for violation of Section 1363 (m-1) of the Revised Administrative Code and Section 3 of Republic Act 1410, because 'no explanation regarding their lawful importation was available, for in fact none appeared as owner or owners thereof at the time of inspection' and that the notice of hearing was accordingly effected.

"5. That after due hearing, a decision was rendered by respondent Collector of Customs of Manila on February 4, 1957 ordering the forfeiture of said merchandise on the following grounds:

> 'That the subject articles were surreptitiously imported into this country without going through a customhouse (Section 1363 (m)-1 of the Revised Administrative Code) and without the required release certificate from the Central Bank or a license and a permit to import from the No-Dollar Import Office, there is no question. If the importation of these articles were regular and in order there is no reason why the shippers or their owners should not come forward and defend their property or interest. It is therefore the conviction of this Office that the importations of the subject articles violated Section 1363 (m)-1 of the Revised Administrative Code and Republic Act No.1410.'

And inasmuch as no one appeared as claimant of said articles, the seizure and forfeiture proceedings were conducted pursuant to Section 1381 of the Revised Administrative Code and that a copy of the decision of the respondent Collector of Customs of Manila had likewise been published by posting the copy in the bulletin board at the Bureau of Customs;

"6. That the said decision of respondent Collector of Customs of Manila was approved by respondent Commissioner of Customs on February 28, 1957;

"7. That records of Seizure Identification Nos. 5379, 5380, 5381 and 5382 show that what the agents of respondents seized were the saccharin, binocular and dolls shipped to order by Ban Lu Yeak, Chin Ho Kee, Go Bon Tiong and Chua Huat;

"8. That the herein petitioner Jesus R. Echaves, through his attorney, made known to respondent Collector of Customs of Manila, his claim for ownership of the articles in question by submitting to the respondent Collector his Motion dated April 20, 1957 which is quoted in paragraph 4 of the petition for review;

"9. That in reply to the said Motion of April 20, 1957, the respondent Collector of Customs of Manila wrote a letter to the petitioner's counsel dated April 25, 1957, which is quoted in paragraph 5 of the Petition for Review;

"10. That the counsel for the petitioner sent to the respondent Collector of Customs a Notice of Appeal dated May 2, 1957, which is quoted in paragraph 6 of the Petition for Review;

"11. That the counsel for the petitioner received a communication from respondent Collector of Customs of Manila dated May 9, 1957, which is quoted in paragraph 7 of the Petition for Review; and

"12. That the parties further agree to submit further evidence at the hearing of the case to prove facts not covered by this stipulation for the purpose of bringing to the knowledge of this Honorable Court all the facts pertinent thereto, and necessary for, the better solution of the questions involved in the case."

Petitioner claims to be the owner of the goods in question, but no evidence was presented to prove his ownership of or title to the goods. On the contrary, he admitted that the goods were, as shown in the bills of lading, shipped by San Lu Yeak, Chin Ho Kee, Go Bon Tiong and Chua Huat. And the goods were consigned to the order of the shippers. Neither does it appear that the alleged shippers were acting as agents or representatives of petitioner in the shipment of the goods from Zamboanga to Manila. Exhibits A to C presented by petitioner in addition to the stipulation of facts do not indicate, directly or indirectly, that petitioner was the owner of the goods.

No evidence was also presented to prove that the goods were lawfully imported into the Philippines, it appearing that they were imported from abroad.

Petitioner not having established his ownership of or title to the goods in question and there being no evidence of the lawful importation of said goods, the herein appeal is hereby dismissed. With costs against petitioner.

SO ORDERED.

Manila, May 15, 1959.

ROMAN M. UMALI
Associate Judge

I CONCUR:

MARIANO NABLE
Presiding Judge

Associate Judge Augusto M. Luciano did not take part.