REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
MANILA

SERREE INVESTMENT COMPANY,
Petitioner,

- versus -

C.T.A.
CASE NO. 774

COMMISSIONER OF CUSTOMS,
Respondent.

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D E C I S I O N

Sometime in May, 1955, the petitioner imported from Hongkong one package containing 72 dozens of silk scarves, 12 dozens of fountain pen sets, 50 dozens of of fountain pens, and 15 dozens of mechanical lighters with a total value of US $468.85. The said importation was, however, declared in the airway bill of lading as consisting of 4 sets of mahjong, 15 dozens of handkerchiefs and 12 dozens of scarves valued at US $45.00. As the said importation was not covered by a release certificate of the Central Bank as required by Circulars Nos. 44 and 45 of said Bank and in view of its misdeclaration in the bill of lading, the articles in question were seized and declared forfeited by the Collector of Customs of Manila. Upon appeal to the Commissioner of Customs, the decree of forfeiture was affirmed; hence, the instant appeal.

Petitioner's appeal is premised on the grounds that Circulars Nos. 44 and 45 of the Central Bank are invalid in so far as they sought to regulate importations not involving dollar remittances and that the misdeclaration was due solely to a mistake committed

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in good faith.

As regards the claim that Circulars Nos. 44 and 45 are invalid and may not be availed of to justify the seizure and forfeiture of goods imported which did not involve dollar remittances, it is enough to state that the Supreme Court in several cases has sustained the validity of said circulars and the seizure and forfeiture of importations in violation thereof in relation to Section 1363(f) of the Administrative Code. (See Pascual v. Commissioner, G. R. No. L-12219, April 25, 1962, and cases cited therein.)

In view of what has been said in regard to the validity of Circulars Nos. 44 and 45 of the Central Bank, we find it unnecessary to pass upon the second ground raised in the appeal.

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

SO ORDERED.

Manila, August 27, 1962.

ROMAN M. UMALI
Associate Judge

WE CONCUR:

MARIANO. NABLE
Presiding Judge

AUGUSTO M. LUCIANO
Associate Judge

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