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Republic of the Philippines
COURT OF TAX APPEALS
Manila

LITTON & CO., INC.,
Petitioner,

- versus - C.T.A. CASE NO. 784

THE COMMISSIONER OF CUSTOMS,
Respondent.

x - - - - - - - - - - - - - - x

October 30/63

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 decreeing the forfeiture of eighteen bales of handkerchief cloth with an appraised value of ₱8,472.36.

The facts are stated in the decision of the Collector of Customs of Manila, dated February 18, 1957, as follows:

> "This refers to the seizure of the above-described articles declar ed in Entry No. 063982, series of 1956, and consigned to the Litton & Co., Inc., claimant herein, for violation of Central Bank Circular No. 44 in relation to Sections 1363 (f) and 1250 of the Revised Administrative Code.
>
> "The record shows that the covering bank release certificate No. 56/5128, dated August 10, 1956 (Exh. "E") bears Code No. 650206-NEP calling for '18 bales cotton textile woven with dyed yarn,' while the actual shipment was found upon examination to have consisted of handkerchief of cloth with out unwoven space falling under Code No. 650217 UI. Hence, the seizure.
>
> "The above facts were among those taken up in the stipulation of facts entered into by and between the parties during the hearing of this case.

"Claimant, thru its counsel, admits the fact that the importation of the subject was violative of Central Bank Circular No. 44. However, it assails the validity of the aforesaid circular on several grounds, among which, was that said circular has not secured Presidential approval as required by Se. 74 of the Central Bank Act (Republic Act No. 265), for which reason claimant contends Circular No. 44 is null and void and, therefore, this Office has no jurisdiction to seize and forfeit goods imported in violation of said circular".

Petitioner contests the validity of Circular No. 44 of the Central Bank upon which the forfeiture of said goods was based. The validity of said circular has, however, been sustained in several cases decided by the Supreme Court. (See Com. of Customs v. Nepomuceno, G. R. No. L-11126, March 31, 1962, and cases cited therein.)

In this appeal, it is argued that Circular No. 44 has been repealed by Circular No. 133, and for this reason all liability arising from the alleged violation of the former circular is thereby extinguished. This issue has already been resolved by this Court in several cases.

"Moreover, even granting arguendo that Central Bank Circular No. 44 has been repealed by Circular No. 133, the validity of the forfeiture under the old circular is not affected by its repeal, the merchandise in question having been imported illegally while it was still in force. The expiration of Central Bank Circular No. 44 did not have the effect of legalizing an importation of goods which was illegal at the time of importation (Golay Buchel and Cie. v. Commissioner of Customs, G. R. Nos. L-10994 & L-11012, Dec. 29, 1959; Leonora Roxas v. Sayoc, G. R. No. L-6502, November 29, 1956)". (Lazaro v. Com. of Customs, C.T.A. Nos. 833 & 834, June 14, 1963; see also F. Sare Enterprises v. Com. of Customs, C.T.A. No. 752, July 3, 1963; Isaac Camero v. Com. of Customs, C.T.A. No. 1153, July 30, 1963; Bienvenido Mapa v. Com. of Customs, C.T.A. Nos. 893 & 894, Aug. 27, 1963; Juana T. de la Cruz v. Com. of Customs, C.T.A. Nos. 980 & 1150, Aug. 27, 1963; Rosita C. de la Cruz v. Com. of Customs, C.T.A. Nos. 1158 & 1198, Sept. 30, 1963, Fermin Saro v. Aseron, C.T.A. No. 866, Oct. 7, 1963; Extensive Enterprises v. Com. of Customs, C.T.A. No. 860, Oct. 28, 1963; Lazaro v. Com. of Customs, C.T.A. Nos. 728 & 730, Aug. 28 & 29, 1963.)

Finding the decision appealed from in order, the same is hereby affirmed, with costs against petitioner.

SO ORDERED.

Manila, October 30, 1963.

(Sgd.) ROMAN M. UMALI
Associate Judge

I CONCUR:

(Sgd.) MARIANO NABLE
Presiding Judge