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MANILA

PHILIPPINES INTERNATIONAL
SURETY CO., Inc.,
Petitioner,

-versus- C.T.A. CASE No. 930

COMMISSIONER OF CUSTOMS,
Respondent.
x- - - - - - - - - - - - -x

July 27/63

D E C I S I O N

This is an appeal from the decision of the respondent dated June 15, 1960 ordering petitioner and Jacinto D. Salva to pay, jointly and severally, the total amount of ₱4,733.00.

The facts of this case, as stipulated by the parties, are as follows:

"x x x x.

"3. That the petitioner is the surety of J. D. Salva, claimant of merchandise described in Seizure Identification Nos. 2278 and 2286 (par. 3 Petition for Review);

"4. That the said shipment of merchandise consigned to J. D. Salva were subjected to seizure and forfeiture proceedings by the Collector of Customs for the Port of Manila on the alleged violation of Central Bank Circulars Nos. 44 and 45 in relation to Section 1363(F) of the Revised Administrative Code (Par. 4, Petition for Review);

"5. That to release the said shipments, petitioner filed in behalf of the claimant Pisci Bond Nos. 174 and 175 in the total amount of ₱4,733.00 (Par. 5, Petition for Review);

"6. That in connection with the hearing of Seizure Identification Nos.

2278 and 2286 in the Office of the Collector of Customs, the following pertinent facts were admitted by the parties:

> '1. That merchandise in question, all consigned to the claimant, arrived at the Port of Manila on board the "SS THEMES" on December 13, 1954, and declared under Import Entries Nos. 99975 and 99974, series of 1954;
>
> '2. That the subject merchandise were covered by bills of lading, commercial invoices and Official Receipts Nos. 67823, 67954, 68142, series of 1954; showing the amounts of ₱35.10, ₱677.99, ₱1.74 and ₱48.70, respectively, as payment for customs duties, taxes and other charges;
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> '3. That the importation of the subject merchandise was effected through the no-dollar remittance system; and
>
> '4. That the merchandise were not covered by any import license and release certificate from the Central Bank of the Philippines.'

"7. That the Collector of Customs rendered a decision on April 20, 1955, ordering and decreeing the forfeiture in favor of the Government, of the merchandise covered by Seizure Identification Nos. 2278 and 2286 and, inasmuch as the said merchandise was released to the claimant under bonds, it was ordered that the full amounts of the bonds filed namely, Pisci Customs Bond No. 174 dated December 16, 1954 in the sum of Two Hundred Fifteen (₱215.00) Pesos for merchandise under Seizure Identification No. 2278 and Pisci Customs Bond No. 175 dated December 17, 1954, in the sum of Four Thousand

Five Hundred Eighteen (₱4,518.00) Pesos for merchandise under Seizure Identification No. 2286 be paid in cash to the Bureau of Customs in accordance with the terms and conditions of the said bond;

"8. That on appeal to the Commissioner of Customs the said official affirmed the decision, the dispositive portion of which reads:

> '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 was already released to the claimant appellant under Surety Bond Nos. 174 and 175, in the amounts of Two Hundred Fifteen (₱215.00) Pesos and Four Thousand Five Hundred Eighteen (₱4,518.00) Pesos, respectively, of the Philippines International Surety Co., Inc., it is hereby ordered that the said bond be, as the same are hereby confiscated; and the principal, J. D. Salva, as well as the Surety, Philippines International Surety Co., Inc. are hereby ordered, jointly and severally, to pay in CASH the aforementioned amounts 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 bonds.'

"9. That on motion for reconsideration filed in behalf of both claimant and surety, the Acting Commissioner of Customs denied the same for lack of merit on the part of the surety and on the part of the claimant, for having been filed outside the reglementary 30-day period provided by law."

On the basis of the above stipulation of facts, the instant case was submitted for decision.

The issues presented in this case narrow down to:

> 1) Whether or not petitioner has legal personality to institute the petition for review; and
>
> 2) Whether or not the confiscation of the bonds filed in the seizure proceedings based on Central Bank Circulars Nos. 44 and 45 is in accordance with law.

On the first issue, we have ruled in several cases that a surety has no legal capacity to appeal to this Court (see Phil. Int'l. Surety Co., Inc. v. Commissioner of Customs, CTA Case No. 745, Res., Jan. 12, 1961; Phil. Int'l. Surety Co., Inc. v. Commissioner of Customs, CTA Case No. 736, Res., Dec. 3, 1962; Phil. Int'l. Surety Co., Inc. v. Commissioner of Customs, CTA Case No. 771, Jan. 4, 1963; Phil. Int'l. Surety Co., Inc. v. Commissioner of Customs, CTA Case No. 760, May 31, 1963). We see no sufficient and valid reason to depart from our ruling in the aforementioned cases.

With respect to the second issue, the Supreme Court has upheld the power of the Monetary Board to issue the aforementioned circulars and the validity thereof (Pascual v. Commissioner of Customs, G.R. No. L-10979, June 30, 1959; Commissioner of Customs v. Pascual, G.R. No. L-9836, Nov. 18, 1959).

WHEREFORE, the petition for review filed in the above-entitled case is hereby dismissed, with costs against petitioner.

SO ORDERED.

Manila, July 27, 1963.

ROMAN M. UMALI
Associate Judge

I CONCUR:

AUGUSTO M. LUCIANO
Associate Judge