REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
MANILA

F. SARE ENTERPRISES,
Petitioner,

- versus - C.T.A. CASE NO. 752

COMMISSIONER OF CUSTOMS,
Respondent.

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

D E C I S I O N

This is an appeal from the decision of the respondent affirming an order of the Collector of Customs of Manila decreeing the forfeiture of certain shipments of merchandise imported by the petitioner sometime in 1954. The facts of the case, as stipulated by the parties, are as follows:

> 2. That the petitioner in the month of December, 1954, imported into the Philippines, the following to wit:
>
> (a) 73 packages of various merchandise declared under Entry No. 97263, covered by a Bill of Lading, Commercial Invoice and O/R Nos. 65893 and 66174, under which payments of customs duties and Internal Revenue taxes were made as consigned to the petitioner;
>
> (b) 122 packages of various merchandise declared under Entry No. 98788, covered by a Bill of Lading, Commercial Invoice and O/R Nos. 66816 and 66970 under which payments of customs duties and Internal Revenue taxes were made as consigned to the petitioner;
>
> (c) 10 packages of smoke ham in bulk packages declared under Entry No. 98787 covered by a Bill of Lading, Commercial Invoice and O/R Nos. 66817 and 67137 under which payments of customs duties and Internal Revenue taxes were made as consigned to the petitioner.

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3. That the above-mentioned shipments were the subject of Seizure Identification Nos. 2230 and 2258, for seizure and forfeiture instituted by the respondent and/or his duly authorized representative for the failure of the petitioner to produce the Central Bank Release Certificate covering the subject shipments as required by Central Bank Circular Nos. 44 and 45, in relation to Section 1363-f of the Revised Administrative Code;

4. That the above-mentioned shipments were, however, released and delivered to the petitioner under Surety Bonds PISCI Nos. 207, 199, and 205, in the respective amounts of ₱11,760.00, ₱11,455.00 and ₱10,344.00 of the Pioneer Insurance & Surety Corporation, posted by the petitioner and the said surety corporation;

5. That on December 14, 1959, the respondent rendered judgment in the above-mentioned Seizure Identification Nos. 2230, 2252 and 2258 ordering the petitioner as well as the surety, Pioneer Insurance & Surety Corporation to jointly and severally pay in cash to the Bureau of Customs within thirty (30) days from notice of judgment the full amounts of the bonds posted therein, namely and respectively, ₱11,760.00, ₱11,455.00 and ₱10,344.00;

6. That on January 21, 1962, the Monetary Board of the Central Bank duly convened and under authority of law issued Circular No. 133.

The sole issue presented relates to the legality of the forfeiture of the merchandise in question. It is alleged on behalf of petitioner that although the forfeiture might have been valid under Circulars Nos. 44 and 45 of the Central Bank, the subsequent issuance by said Bank of Circular No. 133, which allegedly repealed said Circulars Nos. 44 and 45, has the effect of nullifying the forfeiture proceedings.

In Andres E. Lazaro v. Commissioner of Customs, C.T.A. Nos. 833-834, June 14, 1963, it was held:

> 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 imporation of goods which was illegal at the time of importation (Golay Buchel and Cie. vs. Commissioner of Customs, G. R. No. L-10994, 11012, December 29, 1959; Leonora Roxas vs. Sayoc, G. R. No. L-6502, November 29, 1956).

WHEREFORE, the decision appealed from is affirmed *in toto*, with costs against petitioner.

SO ORDERED.

Manila, July 3, 1963.

ROMAN M. UMALI
Associate Judge

I CONCUR:

AUGUSTO M. LUCIANO
Associate Judge