REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
MANILA

SERREE INVESTMENT COMPANY,
Petitioner,

- versus -

C.T.A.
CASE NO. 723

COMMISSIONER OF CUSTOMS,
Respondent.

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

DECISION

The petitioner has appealed from a decision of the respondent affirming a decree of forfeiture rendered by the Collector of Customs of Manila concerning seventeen (17) cases of candies. The facts of the case are stated in the stipulation of facts dated February 17, 1961 submitted by the parties, pertinent portions of which are quoted below:

> 1. That petitioner is the consignee of seventeen (17) cases of candies which arrived in the Port of Manila from Hongkong on board the S/S "Themes" on December 14, 1954, under Reg. No. __, covered by Seizure Identification No. 2309, and declared in Entry No. 99948, Series of 1954;
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> 2. That said shipment is duly covered with the Bill of Lading, Commercial Invoice, and the official receipt evidencing payment of estimated duties and estimated sales tax in the amount of ₱277.54, and another official receipt for the payment of surcharge in the amount of ₱20.00;
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> 3. That the merchandise in question did not have any Central Bank Release Certificate submitted for which reason, it was ordered seized by the Appraisers' Division of the Bureau of Customs for alleged violation of Central Bank Circulars Nos. 44 and 45 in relation to Section 1363(f) and Section 1250 of the Revised Administrative Code;
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> 4. That to release the said shipment,

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petitioner filed Surety Bond No. 7625 of the Malayan Insurance Company (MICO), dated December 24, 1954 for the sum of Seven Hundred Forty-Five Pesos (₱745.00), pending the seizure proceedings;

5. That ruling on the seizure identification proceeding, the Collector of Customs ordered the payment of the bond, from which ruling appeal was taken to respondent Commissioner of Customs;

6. That respondent Commissioner of Customs, in its decision of November 6, 1959, ordered the confiscation of the bond and payment by petitioner and the surety company jointly and severally of the sum of ₱745.00. (See pp. 28-29, C.T.A. records.)

The sole issue presented in this appeal relates to the legality of Circulars Nos. 44 and 45 of the Central Bank which regulate importations involving no-dollar remittance. It has been held that said circulars were legally issued, so that any importation not covered by a release certificate issued by the Central Bank, although involving no immediate remittance of foreign exchange, is subject to forfeiture under Customs Law. (See Francisco Pascual v. Com. of Customs, G. R. No. L-12219, April 25, 1962, and cases cited therein.)

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

SO ORDERED.

Manila, December 29, 1962.

ROMAN M. UMALI
Associate Judge

WE CONCUR:

MARIANO NABLE
Presiding Judge

AUGUSTO M. LUCIANO
Associate Judge

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