Republic of the Philippines
COURT OF TAX APPEALS
MANILA

BIENVENIDO MAPA,
Petitioner,

- versus -

COMMISSIONER OF CUSTOMS,
Respondent.

C.T.A. CASES
NOS. 893 & 894

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

DECISION

The above-entitled cases arose from two separate decisions of the Commissioner of Customs decreeing the forfeiture of the bonds filed for the release of various merchandise imported by petitioner, Bienvenido Mapa, and ordering the latter and his sureties to pay, jointly and severally, in cash to the Bureau of Customs the amounts of the bonds filed by them. The two cases were tried jointly by agreement of the parties involving as they do the same parties and analogous issues.

Petitioner is the claimant of imported merchandise described in Seizure Identification No. 1869 and Seizure Identification Nos. 1716 to 1722, to wit:

Six	(6)	Packages	Cakes
Eight	(8)	"	Vermicelli
Two	(2)	"	Shark's Fin
One	(1)	"	Bird's Nest
Seven	(7)	"	Vermicelli
Six	(6)	"	Album
Two	(2)	"	Office Supplies
One	(1)	"	Toys
One	(1)	"	Sieves
Five	(5)	"	Rattan Split
Six	(6)	"	Tooth Pick (360 Gross)

These importations were not covered by release certificates issued by the Central Bank or any of its agent banks. Consequently, seizure proceedings were instituted, but during their pendency, the articles were released to the claimant under PISC Surety Bond No. 031 issued by the Pioneer Insurance Surety Corporation in the amount of ₱523.00 and under PSIC Surety Bonds Nos. 54/4310 to 54/4316, inclusive, issued by Paramount Surety and Insurance Co., Inc. in the total amount of ₱13,879.00, the conditions of which read as follows:

> "NOW, THEREFORE, the conditions of this obligation are such that in the event that it should be finally decided that the merchandise herein mentioned should be forfeited to the Government, and/or that a fine or surcharge should be imposed, the entire amount of this bond, in case of forfeiture, or surcharge, as the case may be, shall be paid IN CASH to the Bureau of Customs, PROVIDED, HOWEVER, that if within thirty (30) days from demand for payment of the liability herein mentioned the said liability is not paid, and it should be found necessary to file an action in court to effect the collection thereof a penalty of FIVE HUNDRED PESOS (₱500.00) in addition shall be imposed, otherwise, this obligation shall be void and of no effect."

After due hearing, the Acting Collector of Customs ordered their forfeiture for violation of Central Bank Circulars Nos. 44 and 45, in relation to Section 1363(f) of the Revised Administrative Code.

From the orders of forfeiture of the Acting Collector of Customs, petitioner appealed

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to the Acting Commissioner of Customs who affirmed the same. Hence, the petitions for review in the above-entitled cases. In his answers to the petitions, respondent seeks the payment, jointly and severally, by petitioner and his sureties of the amounts of the bonds filed by them and the additional sum of ₱500.00 for each case by way of damages.

The main issue to be decided in these cases is whether or not the seizure and forfeiture proceedings are in order.

Petitioner assails the validity of the forfeiture proceedings on the ground that Central Bank Circulars Nos. 44 and 45 have been repealed by Central Bank Circular No. 133. In the cases of Andres E. Lazaro v. Commissioner of Customs, CTA Nos. 833 & 834, June 14, 1963, citing the cases of Golay Buchel & Cie v. Commissioner of Customs, G.R. No. L-10994, 11012, Dec. 29, 1959; Leonor Roxas v. Sayoc, G.R. No. L-6502, Nov. 29, 1956, we 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 importation of goods which was illegal at the time of importation."

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Anent the claim for damages, we held in similar cases that a demand for payment of the amount covered by the bond cannot legally be made until there is a final judgment ordering forfeiture (See Que Hua Shirt Factory v. Commissioner of Customs, CTA Nos. 739 and 753, Jan. 11, 1962; Angela S. Lazatin v. Commissioner of Customs, CTA No. 782, Jan. 19, 1962).

WHEREFORE, the decisions appealed from are hereby affirmed in toto, with costs against petitioner.

SO ORDERED.

Manila, August 27, 1963.

AUGUSTO M. LUCIANO
Associate Judge

I CONCUR:

ROMAN M. UMALI
Associate Judge