Republic of the Philippines
COURT OF TAX APPEALS
Manila

EXTENSIVE ENTERPRISES CORPORATION,
Petitioner,

- versus -

C.T.A. CASE NO. 860

THE 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 that of the Collector of Customs of Manila ordering the forfeiture of nine (9) cases of rubber balloons valued at ₱1,945.80.

The facts, as stipulated by the parties, are as follows:

> "1. That the merchandise (claimed by petitioner under Customs Entry No. 95068-19 Series of 1954 consisting of nine (9) cases rubber balloons and twelve (12) cases rubber nipples), subject of forfeiture in Seizure Identification No. 2397 were imported into the Port of Manila on November 27, 1954;
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> "2. That the said entry covering the said merchandise was accompanied by a Central Bank release certificate which specifies the shipment as 'rubber nipples' only under Code No. 620915 EC;
>
> "3. That because the said release certificate specifies the merchandise as rubber nipples, the release of the twelve (12) cases rubber nipples was ordered by the Bureau of Customs while the nine (9) cases rubber balloons falling under Code No. 890949 NEC were seized on the ground that the same were imported in violation of Circular Nos. 44 and 45, in relation to Section 1363(f) of the Revised Administrative Code the same not being covered by the said release certificate;

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"4. That after the seizure and detention of the said merchandise, the claimant thereof sought their release under bond, which was authorized by the Collector of Customs for the Port of Manila, upon the filing of a cash bond in the amount of Two Thousand Seven Hundred Sixty-Nine Pesos (₱2,769.00), Philippine currency;[1]

"5. That the claimant of the seized commodities in this case contests the validity of the forfeiture thereof, on the argument that Circulars Nos. 44 and 45 are null and void;

"6. That Seizure Identification No. 2397 was decided adversely against the importer with respect to the nine (9) cases rubber balloons which were ordered forfeited in a decision of May 31, 1960 copy of which he and his surety received on June 6, 1960; x x x." (Partial Stipulation of Facts, Oct. 18, 1961.)

It is contended on behalf of petitioner that the forfeiture of said merchandise under Circulars Nos. 44 and 45 of the Central Bank, in relation to Section 1363(f) of the Administrative Code, is null and void on the ground that said circulars were not validly promulgated, and that, assuming the validity of said circulars, they have been repealed by Circular No. 133.

As to the validity of Circulars Nos. 44 and 45, it is enough to state that the validity thereof has been sustained in several cases decided by the Supreme Court. (See Com. of Customs v. Nepomuceno, G. R. No. L-11126, March 3, 1962 and cases cited therein.)

As to the effect of Circular No. 133 upon forfeiture proceedings held for violation of Circulars Nos.

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[1] The sum of ₱2,769.00 includes the appraised value of 12 cas es of rubber nipples.

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44 and 45, in relation to Section 1363(f) of the Administrative Code, our decision in Andres E. Lazaro v. Com. of Customs, C.T.A. Nos. 833 and 834, June 14, 1963, is in point.

> "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)."

IN VIEW OF THE FOREGOING, the decision appealed from is hereby affirmed, with costs against petitioner.

SO ORDERED.

Manila, October 28, 1963.

ROMAN M. UMALI
Associate Judge

I CONCUR:

MARIANO NABLE
Presiding Judge

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