

ULLA BAHANUDDIN, PLAINTIFF-APPELLEE, VS. LT. COL. MARIO HIDALGO (IN HIS CAPACITY AS PROVINCIAL COMMANDER, PHILIPPINE CONSTABULARY, ILOILO), DEFENDANT-APPELLANT.

G.R. Nos. L-28674-5. February 29, 1972

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal from the decision of the Court of First Instance of Iloilo in Civil Cases Nos. 7077 and 7078, denying the motion of the defendants for the return into their custody of two motorboats (kumpits) previously seized by customs authorities but were ordered delivered to therein plaintiff by the City Court of Iloilo.

There is no controversy as to the following facts of these cases:

In a complaint filed in the City Court of Iloilo, Ulla Bahanuddin, as attorney-in-fact of Hadji Amelia, a resident of Ungus Matata, Tandubas, Sulu, sought to recover from the P.C. Provincial Commander of Iloilo a motorized vessel (kumpit) known as M/I Crusader, owned by and registered in the name of Hadji Amelia. It was alleged that the vessel was stolen while moored in its usual berth on 29 March 1966, and later was found in the possession of the defendant. The P.C. Provincial Commander filed his answer to the complaint, alleging lack of cause of action. It was claimed that the "kumpit" in question was delivered to him only for safekeeping by the Philippine Navy authorities after it was intercepted carrying a load of undeclared "blue seal" cigarettes; and that on 12 April 1965, when seizure proceedings therefor was commenced by the Bureau of Customs, custody of the vessel was taken over by the Iloilo Collector of Customs.

On 7 May 1966, the complaint was amended to include the Collector of Customs and the Surveyor for the Port of Iloilo as parties defendants.

On 9 May 1966, the City Court, holding that the vessel described in the complaint had not been lawfully taken or seized and, therefore, was being wrongfully detained by the defendants, ordered its release to the plaintiff upon the latter's filing a bond for P20,000, which is twice the alleged value of the vessel, to answer for any amount to which the defendants may be adjudged entitled in the action. It may be gathered from the records that the required bond was posted by the plaintiff and the vessel was consequently released to him.

On 11 May 1966, the defendants Collector of Customs and Port Surveyor of Iloilo City moved for dismissal of the case for lack of jurisdiction. It was the contention that the vessel involved in the case was intercepted by the RPS Camarines Sur of the Philippine Navy near Panay Island on 4 April 1966, carrying a total of 665 cases of untaxed cigarettes; that on 12 April 1966, seizure and forfeiture proceeding over the vessel and its cargo was instituted, as a result of which the Collector of Customs issued a warrant and detention order and took over the possession of the vessel M/I Crusader; that with the institution of such seizure and forfeiture proceeding, jurisdiction over the vessel and articles subject thereof was vested upon the Collector of Customs of Iloilo to the exclusion of any court, other than the Court of Tax Appeals and the Supreme Court. Finding this motion to be well-taken, the court, on 7 June 1966, ordered the dismissal of the case.

The Provincial Fiscal moved for reconsideration of the order so as to include a directive for the return of the vessels^[1] to the defendants. The court, however, denied the motion on the ground that having declared itself without jurisdiction over the case, any and all acts that it may further take thereon would be null and void. Defendants brought this matter on appeal to the Court of First Instance, and when said tribunal sustained the action of the inferior court, they filed the present proceeding on the sole issue of whether or not the City Court can direct the return to them of the seized vessels after it had declared itself devoid of jurisdiction to pass upon the case.

The parties here are agreed that upon the commencement of the seizure and forfeiture proceeding on 21 April 1966, jurisdiction over the properties subject thereof became vested upon the Collector of Customs, to the exclusion of any court other than the Court of Tax Appeals and the Supreme Court.^[2] There is also no question that prior to the filing of the replevin cases in the City Court defendant had possession of the vessels and such possession was transferred to the plaintiff only by virtue of the writ of replevin issued by said court on 9 May 1966.

It is clear from the foregoing facts that the order of dismissal really should have included a provision annulling the writ of replevin previously issued, and directing the return of the vessels to the defendants, to revert the parties to the status quo prior to the filing of the case. The order of 7 June 1966 dismissing the action, however, failed to include such a provision. Nevertheless, the defendants called the attention of the City Court to this deficiency as early as 17 June 1966. Instead of amending the order, the City Court denied defendants' motion reasoning that having previously disclaimed jurisdiction over the case, it no longer had authority to order such amendment.

This is not correct. It must be realized that an order declaring the court devoid of jurisdiction over a subject matter does not immediately divest it of authority over the case. Such order attains finality only after the lapse of 30 days and without an appeal being interposed therefrom. But before the expiration of that period, the order of dismissal remains subject to the reconsideration,^[3] correction or modification by the court, as the circumstances of the case may warrant. In this case, the inadequacy of the order was brought to the attention of the court before the order has become final.

Above all, it stands to reason that if the court below had no jurisdiction the writ of replevin was void ab initio and it was the court's duty to restore the status quo ante.

Neither does the fact that a remedy is left to the appellants, i.e., the Collector of Customs can make effective the warrant of seizure and detention issued against the vessels, justify the action (or inaction) of the City Court. A fuller grasp and comprehension of the Rules could have settled this controversy earlier and thus avoided the filing of the present proceeding and its consequent wastage of the time and efforts of the parties and the court.

WHEREFORE, the decision appealed from is hereby reversed and set aside, and the order of dismissal of the City Court, dated 7 June 1966, is amended to include a directive voiding the writ of replevin issued by said court in the case, and to order plaintiff Ulla Bahanuddin, as attorney-in-fact of Hadji Amelia, to return to herein appellants the vessels M/I Crusader and M/I Aida. No costs in this proceeding.

Concepcion, C.J., Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] M/L Crusader and M/I Aida, which apparently also belongs to the plaintiff and found by the Philippine Navy to be carrying untaxed merchandise.

[2] Millares vs. Amparo, 97 Phil 282; Pepsi Cola Bottling Co. vs. Manahan, L-12095, 30 April 1959.

[3] Guirao vs. Ver, L-18570, 29 April 1966, 16 SCRA 638.

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