

ROGACIANO MILLAREZ, AS ACTING COLLECTOR OF CUSTOMS FOR THE PORT OF MANILA, PETITIONER VS. THE HONORABLE JUDGE RAFAEL AMPARO, OF THE COURT OF FIRST INSTANCE OF MANILA AND SERREE ...

G.R. No. L-8351. June 30, 1955

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a7b58093e32e/>

BENGZON, J.:

In September, 1954, Civil Cases Nos. 23988, 24046 and 24117 of the Manila Court of First Instance for mandamus and certiorari, were filed against the Collector of Customs for Manila and the Commissioner of Customs by Serree Investments Co., Lim Hu and Fructuoso Nepomuceno for the purpose of compelling delivery to the complainants—who were the importers—of 368 packages of garlic which said officers had seized and impounded, allegedly for the latter's failure to present release certificates from the Central Bank, in violation of Circular No. 45 of said Bank.

Upon petition ex parte the respondent judge of said court issued writs of preliminary mandatory injunction in each case, ordering the release, under bond, of the aforementioned packages of garlic. Motions to dissolve the writs failed; wherefore, the customs authorities instituted here these three special civil actions to revoke the writs, and temporarily to enjoin their enforcement.

Main grounds of the petition asserting lack and/or excess of jurisdiction, plus abuse of discretion were these:

- Respondent judge interfered by his order with the garlic shipment which is in custodia legis, having been seized by virtue of powers granted by the law;
- Since the creation of the Court of Tax Appeals by Republic Act No. 1125, the Manila Court of First Instance have lost their appellate jurisdiction over customs cases;
- The writs were improvidently issued because the Rules applicable had not been complied with, and no clear legal right was shown by the importers.

On October 14 and 19, 1954, preliminary writs of injunction were issued here against respondents, to prevent delivery of the garlic shipment. Thereafter on October 29, 1954, the petitioners prayed for permission to sell the merchandise in question under section 1399 of the Revised Administrative Code, representing that the shipment was perishable and will speedily deteriorate, there being no refrigeration facilities. On November 8, 1954 the prayer was granted.

In their answer the respondents maintain (1) that circular No. 45 of the Central Bank was contrary to law; (2) that petitioners had no authority to seize, because section 1363 (f) invoked by them refers to "merchandise of prohibited importation" and the goods in question are not included in that classification; (3) that Republic Act No. 1125 did not preclude the Manila court from taking cognizance of the mandamus and certiorari proceedings.

There are other subordinate allegations to meet minor assertions in the petitions.

For the purpose of defending the validity of its Circular No. 45 the Central Bank asked, and was granted, permission to intervene.

Republic Act No. 1125, section 7, effective June 16, 1954 gave the Court of Tax Appeals exclusive appellate jurisdiction to review on appeal, decisions of the Commissioner of Customs, involving "seizure, detention or, release of property affected * * * or other matters arising under the Customs Law or other law administered by the Bureau of Customs". In our opinion this provision necessarily has taken away the power of the Manila court of first instance to "review" decisions of the Customs authorities, "in any case of seizure"—as in this case—under section 1383 et seq. of the Revised Administrative Code.'

Consequently the respondent judge had no authority to entertain the complaints of Serree Investments, Lim Hu and Fructuoso Nepomuceno, which, although entitled Mandamus and Certiorari were in reality petitions to review the actuations of the proper customs authorities, now exclusively reviewable by the Court of Tax Appeals (R. A. 1125). Furthermore, conceding that the complaints were strictly mandamus or certiorari. civil actions, still they were groundless, the petitioners having an adequate remedy by appeal, as stated, to the Court of Tax Appeals. Neither certiorari nor mandamus, it will be recalled, is available where relief by appeal is provided. Therefore, the complaints having no merit, issuance of the preliminary mandatory injunctions was clearly erroneous, and the challenged writs should be annulled.

This conclusion makes it useless to pass on the question whether Circular No. 45 of the Central Bank prohibits the importation of this garlic shipment, and Whether it is valid under the law, because the above is sufficient to dispose of these litigations. Neither is it necessary to discuss the issue for guidance in connection with future importations, because Republic Act No. 1296 effective on the 16th of this month prohibits, with penal sanctions, the importation of garlic, potatoes etc., except for seedling purposes, which is not the case.

Wherefore the preliminary writs of injunction heretofore issued are hereby made permanent. The writs complained of are annulled. Costs shall be paid by the respondents importers. So ordered.

Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.