

THE COMMISSIONER OF CUSTOMS, PETITIONER VS. SERREE INVESTMENT COMPANY, RESPONDENT.

G.R. No. 14274. November 29, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of Tax Appeals dated July 16, 1958, reversing the decision of the Commissioner of Customs, the dispositive portion of which states—

"The instant case is a companion case of C.T.A. Case No. 227 involving the same parties which was decided by this Court on January 5, 1957. In that case, the merchandise involved were imported by petitioner from the panic shipper in Hongkong under the same circumstances as in the instant case. Both importation arrived in Manila on the same boat on October 8, 1954. In C.T.A. case No. 227, we expressed the following' opinion:

'We have already held that Central Bank Circular Nos. 44 and 45, in so far as they sought to regulate importations involving; no-dollar remittance, are void. Accordingly, articles imported from abroad involving; no-dollar remittance can not be legally forfeited rinder Section 1383 (f) of the Administrative Code for violation of said circulars.'

"We find no reason for deviating from the views expressed in said C.T.A. Case No. 227.

"The decision appealed from is reversed, and the surety bond filed by petitioner in this case is hereby cancelled. No costs."

The facts, as stipulated by the parties, and as stated in the said decision are as follows—

"The merchandise in question arrived at the Port of Manila from Hongkong on October 8, 11)54 on board the S/S PASADENA, and wore declared in Entry No. 79817. Claiming that the importation was made on a no-dollar remittance basis, petitioner did not secure a release certificate from the Central Bank, or from any of its authorized agent banks, as required by Central Bank Circulars Nos. 44 and 45. Seizure proceedings .were, therefore, instituted against said merchandise. (Seizure identification No. 2049) for violation of said circulars in relation to Sections 1363 (f) and 1250 of the Administrative Code. Meanwhile, the importation in question was released npoh the filing of a surety bond pending seizure proceeding's."

The instant case is the same as that of Commissioner of Customs vs. Serree Investment Company, 108 Phil. 1; 58 Off. Gaz., (32) 5413. The same parties are involved and the same issues are raised on the appeal. As a matter of fact, the merchandise in the instant case arrived at the same time, on board the same ship and under the same circumstances as the merchandise in the other case (L-12007).

The instant case should, therefore, be decided in accordance with our decision in the previous case (L-12007) wherein we upheld the validity of Circulars Nos. 44 and 45 of the Central Bank and ruled that the importation would ultimately involve a future demand for foreign exchange.

Wherefore, the appealed decision is hereby reversed and the decision of the Commissioner of Customs and the

Collector of Customs affirmed. With costs against respondent.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Gutierrez David, Paredes, and Dizon, JJ., concur.

Decision reversed.

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