

**ASIAN TERMINALS, INC., PETITIONER, VS. HON. HELEN
BAUTISTA-RICAFORT, PRESIDING JUDGE OF RTC, BRANCH 260,
PARAÑAQUE CITY; SAMUEL ROSETE, IN HIS PERSONAL CAPACITY
AND AS ATTORNEY-...**

G.R. NO. 166901. October 27, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before us is a Petition for Review on Certiorari for the reversal of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 61562, affirming the Orders[2] of the Regional Trial Court (RTC) of Parañaque City, Branch 260, in Civil Case No. 98-0435 for replevin and damages.

Section 1, Republic Act (RA) No. 8506, which took effect on February 22, 1998, provides that "it shall be unlawful for any person to import, cause the importation of, register, cause the registration of, use or operate any vehicle with its steering wheel right hand side thereof in any highway, street or road, whether private or public, or at the national or local x x x."

Noel Tabuelog, Ernesto de Jesus, Norma Pondevida, Renato Claros, Ernesto M. Chua, Cecilia T. Saulog, Jenelita S. Napárate, Rodolfo F. Mago, and Amalia C. Edamura are duly-licensed importers of vehicles. Sometime in April and May 1998, they imported 72 secondhand right-hand drive buses from Japan. When the shipment arrived at the South Harbor, Port of Manila, the District Collector of Customs impounded the vehicles and ordered them stored at the warehouse of the Asian Terminals, Inc. (ATI), a customs-bonded warehouse under the custody of the Aviation and Cargo Regional Division. Conformably with Section 2607 of the Tariff and Customs Code, the District Collector of Customs issued Warrants of Distrainment[3] against the shipment and set the sale at public auction on September 10, 1998.[4]

In the meantime, on October 28, 1998, the Secretary of Justice rendered Opinion No. 127,[5] Series of 1998, stating that shipments of right hand wheel vehicles loaded and exported at the port of origin before February 22, 1998 were not covered by RA No. 8506 unless the same were loaded and imported after said date.

On November 11, 1998, the importers, through their Attorney-in-Fact Samuel N. Rosete, filed a complaint with the RTC of Parañaque City, against the Secretary of Finance, Customs Commissioner, and the Chief Executive of the Societe Generale de Surillee, for replevin with prayer for the issuance of a writ of preliminary and mandatory injunction and damages.

Plaintiffs averred, inter alia, that in accordance with the opinion of the Assistant Director of the Customs Legal Service and the Office of the Legal Affairs of the Department of Finance, the importation of right-hand drive vehicles are not prohibited under RA No. 8506 provided that conversion kits are included in the imported vehicles. As such, there was no factual and legal basis for the seizure of the shipment and the storage thereof at the ATI. The complaint contained the following prayer:

WHEREFORE, premises considered, it is most respectfully prayed before this Honorable Court that an Order be issued in the following tenor:

- PRIOR TO HEARING:

- A Writ of Replevin be issued upon the posting of a bond of PhP12,000,000.00 (double the value of the vehicles) executed in favor of defendants to answer for damages, and approved by this Court, directing the Sheriff or his deputies to forthwith take custody of the said vehicles which are in the possession and custody of the defendants or their agents at the Bureau of Customs Holding Area, located at South Harbor, Port Area, Manila City, and retain it in its custody;

- AFTER HEARING:

- To pay the sum of PhP6,000,000.00 if the Writ of Replevin cannot be implemented successfully plus interest until fully paid;

- To pay compensatory damages of not less than PhP840,000.00 for unrealized profits, moral damages of not less [than] PhP1,000,000.00, exemplary damages of not less than PhP250,000.00, litigation and necessary expenses of not less than PhP500,000.00, attorney's fees on a contingent basis, not less than P1,000,000.00 actual damages if and when plaintiffs are legally obliged to pay storage fees;

- Such other reliefs just and equitable under the premises.[6]

The RTC granted the application for a writ of replevin on a bond of P12,000,000.00.[7]

However, George Jeroes, the Chief of Customs Police and four (4) customs policemen prevented the Sheriff and the policemen assisting him from taking custody of the vehicles.[8] He claimed that the District Collector of Customs had jurisdiction over the vehicles. On motion of the plaintiffs, the court issued an Order[9] on November 23, 1998, directing the PNP Director to assist the Sheriff in implementing the writ it issued and to arrest anyone who would obstruct the implementation of its order. The Sheriff served a copy of the Order on ATI and succeeded in taking custody of the vehicles and signed a receipt therefor.[10] The District Collector of Customs agreed to transfer the custody of the vehicles to the RTC, on the condition that the required taxes, dues, and other charges be paid. The Customs Commissioner approved the decision of the District Collector.[11] Plaintiffs paid the requisite taxes, dues, and other charges amounting to P7,528,635.00. They were able to take possession of the vehicles over the objections of ATI.[12]

On November 27, 1998, the defendants, through the Office of the Solicitor General, filed an Omnibus Motion[13], seeking the reconsideration of the RTC Order granting plaintiffs' plea for a writ of replevin. It likewise prayed that the writ of replevin issued by the court be quashed on the ground that the RTC has no jurisdiction over the vehicles subject of seizure and detention before the Bureau of Customs. The OSG declared that the Bureau of Customs which had custody of the vehicles through ATI "had exclusive jurisdiction over said vehicles and on the issues of the seizure and detention thereof." The ATI filed a motion for the court to allow the vehicles to remain in its warehouse.[14]

On December 1, 1998, the ATI filed a Third-Party Claim[15] over the shipment, alleging that it had a lien over the vehicles for accumulated and unpaid storage and arrastre charges, and wharfage dues amounting to P13,036,480.94. It prayed that the vehicles be returned and remain with it until payment of said dues. On December 9, 1998, ATI filed a Motion[16] seeking to require plaintiffs (third-party defendants) to post a bond to insure payment of its claims against the plaintiffs, or to order the Sheriff to return possession of the vehicles to it.

Plaintiffs opposed the Third-Party Claim of ATI claiming that it failed to allege in its Affidavit of Third-Party Claim any factual and legal basis for its alleged lien and to present documentary evidence to prove the same. ATI

has no cause of action against them for wharfage/arrastre services because there was no contract to cover said charges.[17]

Before the court could resolve the motions, plaintiffs filed a "Motion/Notice to Dismiss/Withdraw Complaint"[18] against the officials of the Bureau of Customs and Department of Finance, on the ground that said defendants had agreed to the implementation of the writ of replevin issued by the court on condition that plaintiffs pay the taxes, dues, and other charges on the importation amounting to P7,528,635.00 to the government and that plaintiffs had paid the said amount. The OSG opposed the motion, alleging that:

The instant Complaint states that the subject importation is legal. This is a matter which cannot be admitted by defendants simply because the law and the Opinion of the Secretary of Justice are crystal clear. Likewise, all the erroneous statements of law and legal conclusions stated therein cannot be hypothetically admitted.

3. Hence, it is imperative that the Omnibus Motion be resolved first prior to any other incident for the same delves on the very merits of the instant case.

4. The release of the imported right-hand drive buses by the Bureau of Customs cannot make the said importation legal; otherwise, said act will constitute a violation of R.A. No. 8506 which declares illegal the act of importation of this type of vehicle.

5. The Bureau of Customs was constrained to release the subject vehicles on November 27, 1998 because of this Court's Order dated November 23, 1998, the last paragraph of which states: "Chief of PNP General Roberto Lastimoso is ordered to assist the Sheriff in the implementation of its order dated November 11, 1998 and to effect the arrest of persons who would obstruct the implementation of this court's order."

The overwhelming number of PNP personnel who accompanied the sheriff (there were at least 20 police cars which swarmed over the area), pitted against only three (3) hapless Customs policemen, plus the threat to arrest anyone who would obstruct the implementation of the Order dated November 11, 1998 granting the application for a Writ of Replevin, left the Bureau of Customs with no choice but to allow the release of the subject vehicles.[19]

On January 13, 1999, ATI filed a Motion for Intervention and for Admission of its Complaint-in-Intervention, alleging that it had a lien on the vehicles to the extent of P13,820,150.93, representing accumulated storage and arrastre charges and wharfage dues. ATI prayed that its Complaint-in-Intervention be admitted, and that after due proceedings judgment be rendered in its favor, thus:

WHEREFORE, it is respectfully prayed of this Honorable Court that judgment be rendered in this Complaint-in-Intervention ordering plaintiffs to pay intervenor:

a) the sum of PESOS THIRTEEN MILLION EIGHT HUNDRED TWENTY THOUSAND ONE HUNDRED FIFTY AND 93/100 (P13,820,150.93), plus legal interest from the date of the filing of this Complaint-in-Intervention.

b) the sum of PESOS ONE HUNDRED THOUSAND (P100,000.00) as and for attorney's fees; and

c) costs of suit.[20]

Plaintiffs opposed the motion of ATI on the following grounds: (1) ATI failed to allege and present any contract covering the deposit/storage of the vehicles in its warehouse; (2) ATI has no legal interest over the matter in litigation; and (3) the adjudication of the rights of the parties may be delayed or prejudiced while those of ATI may be protected in a separate proceeding.[21]

The OSG opposed the motion of the plaintiffs and the notice to dismiss/withdraw the complaint, praying that the

court resolve its pending motions.[22]

On April 27, 1999, the court issued an Order dismissing the complaint on the following grounds:

- Plaintiffs themselves filed a Motion to Dismiss against Secretary of Finance and Commissioner of Customs.
- This Court has no jurisdiction over the case. "The Court of Tax Appeals exercises exclusive appellate jurisdiction to review the ruling of the Commissioner in seizure and confiscation cases and that power is to the exclusion of the Court of First Instance which may not interfere with the Commissioner's decisions x x x"

In view of the foregoing, let this case be as it is hereby ordered Dismissed.

SO ORDERED.[23]

The OSG filed a motion for reconsideration of the April 27, 1999 Order, and prayed that the court resolve the issue as to who is entitled to the possession of the vehicles as required by Sections 9 and 10, Rule 60 of the Rules of Court. For its part, ATI filed a motion for clarification of the order, alleging that the court failed to resolve its motion. It also pleaded for the court to admit its Complaint-in-Intervention and its motion seeking to require plaintiffs to post a bond to insure payment of its claims for wharfage/arrastre charges.[24]

On September 23, 1999, the RTC issued its Order dismissing the Complaint-in-Intervention, thus:

Before this Court are the following Motions:

- Motion for Clarification, and
- Motion for Reconsideration

The Complaint-in-Intervention of Intervenor - ATI is likewise dismissed, it being only an accessory to the principal case.

Plaintiff Samuel Rosete is hereby ordered to return the possession of the subject buses to Pedro Mendoza, in his capacity as Customs Commissioner of the Bureau of Customs.

SO ORDERED.[25]

ATI filed a motion for reconsideration, which the court denied on July 31, 2000. While it recognized the arguments of ATI, the court held that its rights could be fully protected in a separate proceeding. It declared that the subject buses were under custodia legis by virtue of the writ of replevin it had issued. However, due to the dismissal of the plaintiffs' complaint, the subject buses have to be returned to the person who was in custody prior to the implementation of the writ. The motion for reconsideration filed by ATI and the opposition filed by plaintiffs were likewise denied.[26]

ATI filed a Petition for Certiorari under Rule 65 before the CA, assailing the RTC Orders dated April 27, 1999, September 23, 1999, and July 31, 2000. It raised the following questions:

WHETHER OR NOT THE LOWER COURT COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT OUTRIGHTLY DISMISSED THE SUBJECT COMPLAINT FILED BY PRIVATE RESPONDENTS.

WHETHER OR NOT THE LOWER COURT COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT DENIED THE MOTION FOR RECONSIDERATION FILED BY THE PETITIONER.

WHETHER OR NOT THE PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT OUTRIGHTLY DISMISSED THE COMPLAINT-IN-INTERVENTION FILED BY PETITIONER.[27]

ATI averred that it filed its Complaint-in-Intervention before the RTC dismissing the complaint of private respondents. It pointed out that the dismissal of the main case does not necessarily result in the dismissal of its ancillary action because it has a legal interest in the matter in litigation, that is, it is so situated as to be adversely affected by the distribution or other disposition of the property in question. It thus behooved the court to have ordered respondents to post a bond following its third-party claim over the property for the collection of the wharfage and arrastre fees/charges.

On November 30, 2004, the CA rendered judgment dismissing the petition for lack of merit.[28] The appellate court ruled that the RTC had no jurisdiction over the complaint filed by respondents. Under the Customs and Tarriff Code, the Collector of Customs sitting in seizure and forfeiture proceedings had the exclusive jurisdiction to hear and determine all questions relating on the seizure and forfeiture of dutiable goods. The RTC had no review powers over such proceedings; it is the Court of Tax Appeals under RA No. 1125. Since the RTC had no jurisdiction over the main case, it was also bereft of authority to hear the third-party claim or the complaint-in-intervention filed by ATI. Citing *Saw v. Court of Appeals*,[29] the appellate court ruled that intervention was not an independent proceeding but merely an ancillary and supplemental one, which, in the nature of things, is subordinate to the main proceeding unless otherwise provided for by statute or by the Rules of Court. The general rule is that an intervention is limited to the field of litigation open to the original parties. The RTC had dismissed the main action; thus, there was no more principal proceeding in which petitioner ATI may intervene.

ATI filed a motion for reconsideration, which the CA denied through its January 28, 2005 Resolution.[30] In the present petition, ATI (now petitioner) raises the following issues:

- THE COURT OF APPEALS COMMITTED SERIOUS REVERSIBLE ERROR IN DISMISSING THE THIRD-PARTY CLAIM WHICH WAS CONVERTED INTO A COMPLAINT-IN-INTERVENTION BASED ON THE GROUND THAT IT IS ANCILLARY TO THE DISMISSED MAIN ACTION.
- THE COURT OF APPEALS COMMITTED SERIOUS REVERSIBLE ERROR IN DISMISSING THE THIRD-PARTY CLAIM WHICH WAS CONVERTED INTO A COMPLAINT-IN-INTERVENTION BASED ON THE GROUND THAT THE COURT A QUO HAS NO JURISDICTION OVER THE PRINCIPAL ACTION.
- THE COURT OF APPEALS COMMITTED SERIOUS REVERSIBLE ERROR IN DISMISSING THE COMPLAINT IN INTERVENTION ON THE BASIS OF THE RULING IN *BARANGAY MATICTIC VS. ELBINIAS* (148 SCRA 83).[31]

Citing *Metropolitan Bank and Trust Company v. The Presiding Judge, RTC, Manila Branch 39*,[32] petitioner maintains that the dismissal of the original complaint filed by respondents cannot, in any way, result in the denial of its complaint-in-intervention. It posits that its consent as intervenor is necessary for the dismissal of the main action, and that the original parties cannot "isolate" it and agree, among themselves, to dismiss the complaint. Petitioner asserts that, even if the original complaint was properly dismissed, its complaint-in-intervention survives the original complaint and may proceed as long as the existence of an actual controversy had been established by the pleadings. It insists that the intervention has to be heard regardless of the disposition of the principal action.

Petitioner submits that even on the assumption that the lower court has no jurisdiction over the principal action, the third-party complaint may still be maintained.

Petitioner further contends that the appellate court erred in relying on *Barangay Matictic v. Elbinias*[33] because in that case, the third-party-complaint was filed after the decision in the main case had already become final,

whereas, in the present case, the third-party claim and third-party complaint before the RTC dismissed respondents' action. Petitioner maintains that the Metropolitan case is thus applicable, and points out that the Court therein ruled that the complaint-in-intervention should be preserved regardless of the outcome of the original complaint.

For their part, respondents assert that the CA decision is in accord with the Rules of Court.

We are thus tasked to resolve the issue of whether the CA erred in dismissing the petition for certiorari of the petitioner.

The petition is denied for lack of merit.

We rule that the trial court acted in accordance with the Tariff and Customs Code (TCC) and the rulings of this Court when it issued the assailed Orders.

Section 602 of the TCC provides that the Bureau of Customs shall exercise exclusive jurisdiction over seized and forfeited cars. It is tasked to enforce tariff, and supervise and control customs law and all other laws, rules and regulations relating to the tariff and customs administration; and to supervise and control all import and export cargoes, loaded or stored in piers, terminal facilities, including container yards and freight stations, for the protection of government revenues. Under Section 2301 of the TCC, the Collector of Customs is empowered to make a seizure of cargoes and issue a receipt for the detention thereof:

SEC. 2301. Warrant for Detention of Property-Cash Bond. - Upon making any seizure, the Collector shall issue a warrant for the detention of the property; and if the owner or importer desires to secure the release of the property for legitimate use, the Collector shall, with the approval of the Commissioner of Customs, surrender it upon the filing of a cash bond, in an amount to be fixed by him, conditioned upon the payment of the appraised value of the article and/or any fine, expenses and costs which may be adjudged in the case: Provided, That such importation shall not be released under any bond when there is a prima facie evidence of fraud in the importation of the article: Provided further, That articles the importation of which is prohibited by law shall not be released under any circumstance whomsoever, Provided, finally, That nothing in this section shall be construed as relieving the owner or importer from any criminal liability which may arise from any violation of law committed in connection with the importation of the article. (emphasis supplied)

Section 2530 of the TCC enumerates the properties subject of seizure and forfeiture:

Section 2530. Property Subject of Forfeiture Under Tariff and Customs Laws.- Any vehicle, vessel or aircraft, cargo, article and objects shall, under the following conditions be subject to forfeiture:

x x x x

(f) Any article the importation or exportation of which is effected or attempted contrary to law, or any article of prohibited importation or exportation, and all other articles which, in the opinion of the Collector, have been used, are or were entered to be used as instruments in the importation or exportation of the former.

As the Court ruled in *Jao v. Court of Appeals*,^[34] Regional Trial Courts are devoid of any competence to pass upon the validity or regularity of seizure and forfeiture proceedings conducted by the Bureau of Customs and to enjoin or otherwise interfere with these proceedings. It is the Collector of Customs, sitting in seizure and forfeiture proceedings, who has exclusive jurisdiction to hear and determine all questions touching on the seizure and forfeiture of dutiable goods. The Regional Trial Courts are precluded from assuming cognizance over such matters even through petitions of certiorari, prohibition or mandamus. The Court further explained:

It is likewise well-settled that the provisions of the Tariff and Customs Code and that of Republic Act No. 1125, as amended, otherwise known as "An Act Creating the Court of Tax Appeals," specify the proper fora

and procedure for the ventilation of any legal objections or issues raised concerning these proceedings. Thus, actions of the Collector of Customs are appealable to the Commissioner of Customs, whose decision, in turn, is subject to the exclusive appellate jurisdiction of the Court of Tax Appeals and from there to the Court of Appeals.

The rule that Regional Trial Courts have no review powers over such proceedings is anchored upon the policy of placing no unnecessary hindrance on the government's drive, not only to prevent smuggling and other frauds upon Customs, but more importantly, to render effective and efficient the collection of import and export duties due the State, which enables the government to carry out the functions it has been instituted to perform.[35]

Thus, the RTC had no jurisdiction to take cognizance of the petition for replevin by respondents herein, issue the writ of replevin and order its enforcement. The Collector of Customs had already seized the vehicles and set the sale thereof at public auction. The RTC should have dismissed the petition for replevin at the outset. By granting the plea of respondents (plaintiffs below) for the seizure of the vehicles and the transfer of custody to the court, the RTC acted without jurisdiction over the action and the vehicles subject matter thereof. It bears stressing that the forfeiture of seized goods in the Bureau of Customs is a proceeding against the goods and not against the owner. It is in the nature of a proceeding in rem, i.e., directed against the res or imported articles and entails a determination of the legality of their importation. In this proceeding, it is, in legal contemplation, the property itself which commits the violation and is treated as the offender, without reference whatsoever to the character or conduct of the owner.[36]

In fine, the initial orders of the RTC granting the issuance of the writ of replevin and its implementation are void.[37] While it is true that the District Collector of Customs allowed the release of the vehicles and the transfer thereof to the custody of the RTC upon the payment by the private respondents of the required taxes, duties and charges, he did not thereby lose jurisdiction over the vehicles; neither did it vest jurisdiction on the RTC to take cognizance of and assume jurisdiction over the petition for replevin. As very well explained by the Office of the Solicitor General, the District Collector of Customs agreed to transfer the vehicles to the custody of the RTC since the latter had ordered the arrest of those who would obstruct the implementation of the writ. The District Collector of Customs had yet to resolve whether to order the vehicles forfeited in favor of the government, in light of the opinion of the Secretary of Justice that, under RA No. 8506, the importation was illegal.

The RTC cannot be faulted for dismissing petitioner's complaint-in-intervention. Considering that it had no jurisdiction over respondents' action and over the shipment subject of the complaint, all proceedings before it would be void.[38] The RTC had no jurisdiction to take cognizance of the complaint-in-intervention and act thereon except to dismiss the same. Moreover, considering that intervention is merely ancillary and supplemental to the existing litigation and never an independent action,[39] the dismissal of the principal action necessarily results in the dismissal of the complaint-in-intervention. Likewise, a court which has no jurisdiction over the principal action has no jurisdiction over a complaint-in-intervention. Intervention presupposes the pendency of a suit in a court of competent jurisdiction.[40] Jurisdiction of intervention is governed by jurisdiction of the main action.[41]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Court of Appeals Decision in CA-G.R. SP No. 61562 is AFFIRMED.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

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- [1] Penned by Associate Justice Renato C. Dacudao, with Associate Justices Edgardo F. Sundiam and Japar B. Dimaampao, concurring; rollo, pp. 32-44.
- [2] Issued by Judge Helen Bautista-Ricafort; CA rollo, pp. 36-38.
- [3] Records, pp. 148-159.
- [4] Id. at 139-141.
- [5] Id. at 142-147.
- [6] Id. at 17.
- [7] Id. at 78-79.
- [8] Id. at 108-110.
- [9] Id. at 111.
- [10] Id. at 116.
- [11] Id. at 164.
- [12] Id. at 162-163.
- [13] Id. at 112-138.
- [14] Id. at 160.
- [15] Id. at 171-173.
- [16] Id. at 212-213.
- [17] Id. at 222-226.
- [18] Id. at 275-277.
- [19] Id. at 219-220.
- [20] Id. at 296.
- [21] Id. at 315-318.
- [22] Id. at 329.
- [23] Id. at 361.
- [24] Id. at 380.
- [25] Rollo, p. 48.
- [26] Id. at 49.
- [27] CA rollo, p. 27.
- [28] Rollo, p. 44.
- [29] G.R. No. 90580, April 8, 1991, 195 SCRA 740, citing *Barangay Matictic v. Elbinias*, 148 SCRA 83 (1987).

[30] Rollo, p. 46.

[31] Id. at 22-23.

[32] G.R. No. 89909, September 21, 1990, 189 SCRA 820.

[33] G.R. No. L-48769, February 27, 1987, 148 SCRA 83, 89.

[34] G.R. Nos. 104604 and 111223, both dated October 6, 1995, 249 SCRA 35, 42.

[35] Id. at 43.

[36] Transglobe International, Inc. v. Court of Appeals, G.R. No. 126634, January 25, 1999, 302 SCRA 57, 69-70.

[37] Pasong Bayabas Farmers Association, Inc. v. Court of Appeals, G.R. No. 142359, May 25, 2004, 429 SCRA 109; Estoesta, Sr. v. Court of Appeals, G.R. No. 74817, November 8, 1989, 179 SCRA 203, 212; Caro v. Court of Appeals, G.R. No. L-31426, February 29, 1988, 158 SCRA 270, 275; Ang Lam v. Rosillosa, 86 Phil. 447, 452 (1950).

[38] Pasong Bayabas Farmers Association, Inc. v. Court of Appeals, supra note 37.

[39] Cariño v. Ofilada, G.R. No. 102836, January 18, 1993, 217 SCRA 206, 215.

[40] 671 C.J.S. Parties, p. 806.

[41] Begg v. New York, 262 U.S. 196, 67 L.ed. 946. 43 S.Ct. 513.

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