

## [ Act No. 1405, October 13, 1905 ]

### **AN ACT ABOLISHING THE COURT OF CUSTOMS APPEALS AND TRANSFERRING THE POWERS AND DUTIES OF THAT COURT TO THE COURT OF FIRST INSTANCE FOR THE CITY OF MANILA.**

*By authority of the United States, be it enacted by the Philippine Commission, that:*

SECTION 1. The Court of Customs Appeals, as established by the Philippine Customs Administrative Act and by Act Numbered Eight hundred and sixty-four, entitled "An Act to amend Act Numbered Three hundred and fifty-five, known as the 'Philippine Customs Administrative Act by changing the membership of the Court of Customs Appeals, providing for appeals in criminal causes and for certificates of appeal in other customs cases where there is a division of opinion between the judges of the court, and specifying powers of collectors of customs in cases of fine and forfeiture, and for other purposes," together with all official positions provided and authorized by said Acts, is hereby abolished, and the duties and powers of said Court of Customs Appeals are hereby transferred to the Court of First Instance for the city of Manila, subject to the modifications hereinafter stated, which Court of First Instance is hereby given jurisdiction over all matters whereof the Court of Customs Appeals now has jurisdiction by existing law, except as hereinafter provided.

SEC. 2. Appeals from the decisions of the Collector of Customs for the Philippine Islands authorized by section two hundred and eighty-seven of the Philippine Customs Administrative Act, as modified by Act Numbered Eight hundred and sixty-four, shall be taken in the manner provided in said section two hundred and eighty-seven, as amended, and within the times there limited, to the Court of First Instance for the city of Manila, instead of to the Court of Customs Appeals; and the Collector of Customs for the Philippine Islands, upon the taking of such appeal, shall forthwith certify and transmit to the clerk of the Court of First Instance for the city of Manila such notice of appeal, together with the entry, invoices, and exhibits, and all other papers connected therewith, and his decision thereon. The Court of First Instance for the city of Manila shall proceed, upon notice to the appealing party and to the Attorney-General, to examine the case submitted. Either party shall have the same right of exceptions to any ruling of the Court of First Instance for the city of Manila and of rehearing by the Supreme Court on any such appeal in the same manner as pertains to parties to all other civil actions pending in the Courts of First Instance;. That portion of said section two hundred and eighty-seven of the Philippine Customs Administrative Act, as amended by Act Numbered Eight hundred and sixty-four, which authorizes the Secretary of Finance and Justice to certify that in his opinion any decision of the Collector of Customs for the Philippine Islands ought to be revised by the Court of Customs Appeals, is hereby so modified that such certificate shall direct the decision to be revised by the Court of First Instance for the city of Manila, instead of by the Court of Customs Appeals, and in case of making such certificate to order the Collector of Customs for the Philippine Islands shall certify and transmit his decision, together with the entry, invoices, exhibits, and all other papers connected therewith, to the clerk of the Court of First Instance for the city of Manila, and that court shall, upon notice to the Attorney-General and to all parties interested, reexamine and determine the case as above provided, subject to the right of exception by either party as above provided.

SEC. 3. Section two hundred, and eighty-eight of the Philippine Customs Administrative Act, as amended by Act Numbered Eight hundred and sixty-four, is hereby amended as to read as follows:

"SEC. 288. The evidence taken before either the collector of customs or the Collector of Customs for the Philippine Islands, may, if competent, be used before said Court of First Instance for the city of Manila, and said court may receive and file her evidence pertinent to the issue, make general rules governing the proceedings before it, allow costs to the Government or to the adverse party, in the discretion of the court, upon the same basis as costs are allowed in other civil actions pending in Courts of First Instance, and may determine all questions arising in the appeal, including the question as to whether any duty, exaction, or fee can lawfully be imposed. The remedy by appeal to the Court of First Instance for the city of Manila is exclusive upon all questions relating to the customs duties, or the administration thereof under this Act. No right of action shall exist on the part of the owner, importer, exporter, or consignee to recover back any duties, fees, or exactions by him or them paid, except by means of appeal in accordance with the provisions of said section two hundred and eighty-seven, as amended. In case any appeal is carried to the Supreme Court of the islands, upon exceptions, that court shall thereupon proceed to examine the case and render such judgments and issue such orders as it renders and issues in other cases pending in the Courts of First Instance. The decisions of the Court of First Instance for the city of Manila not carried to the Supreme Court upon bills of exception, shall be final and binding, as likewise shall be all decisions of the Supreme Court upon such appeals carried to it by virtue of the provisions of this Act."

SEC. 4. The Court of First Instance for the city of Manila and the Supreme Court of the Philippine Islands shall have and exercise in the customs appeal cases all the powers which those courts have and exercise in other civil actions pending therein. The clerks, interpreters, and other officials or employees of the Court of First Instance for the city of Manila and of the Supreme Court of the Philippine Islands shall exercise and perform in customs appeal cases all the powers and duties which such officials and employees are required to perform by law in other civil actions pending in said courts, without additional compensation.

SEC. 5. The Court of First Instance for the city of Manila shall likewise have jurisdiction of all criminal prosecutions begun by virtue of the provisions of the Philippine Customs Administrative Act and under the immigration laws of the Philippine Islands, including the Act of Congress approved March third, nineteen hundred and three, entitled "An Act to regulate the immigration of aliens into the United States," the Chinese Exclusion Acts, and under the customs and navigation laws, and its procedure in such cases shall be the same as in other criminal cases in the Courts of First Instance, and in all such criminal prosecutions the same rights of appeal to the Supreme Court, by exception or otherwise, shall exist as exists in other criminal cases pending in the Courts of First Instance: *Provided, however,* That the Courts of First Instance in the several provinces shall have jurisdiction over criminal prosecutions mentioned in this section for offenses committed within such provinces in the same manner as the Court of First Instance for the city of Manila has jurisdiction over criminal prosecutions for such offenses committed within the