

[ Act No. 864, September 02, 1903 ]

**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.**

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

SECTION 1. Section two hundred and eighty-seven of Act Numbered Three hundred and fifty-five, entitled "An Act to constitute the Customs Service of the Philippine Archipelago and to provide for the administration thereof," is hereby amended to read as follows:

"SEC. 287. If the decision of the Insular Collector, acting either, as collector of customs for the port of Manila, or on appeal to him from a collector of customs, shall be adverse to the claim of the owner, importer, consignee, or agent of the merchandise, or of the person paying to the collector of customs fees, charges, and exactions other than duties, the owner, importer, consignee, or agent, or the person paying the fees, charges, and exactions may, within five days, exclusive of Sundays and holidays, after notification in writing to him by the collector of customs of such adverse decision of appeal therefrom to the Court of Customs Appeal by giving notice in writing to the collector of customs of his or their dissatisfaction with such adverse decision, which notice shall be forthwith transmitted by the collector of customs to the Insular Collector, who shall thereupon forthwith and transmit to the clerk of the Court of Customs Appeals such notice of appeal, together with the entry, invoices, and exhibits, and all officer papers connected therewith, and his decision thereon, and the court shall proceed, upon notice to the appealing party and to the Attorney-General, to examine the case submitted, and the decision shall be final, except in cases which are certified to the Supreme Court of the Islands, as provided in section two hundred and eighty-eight of Act Numbered Three hundred and fifty-five, as amended be in case the decision of the Insular Collector, acting in his capacity as collector of customs for the port of Manila or upon appeal to him from a collector of customs, shall be adverse to the Government on the matter at issue, and the Secretary of Finance and Justice shall certify in writing that in his opinion such decision ought to be revised by the Court of Customs Appeals, it shall be thereupon the duty of the Insular Collector to certify and transmit his decision, together with the entry, invoices, and exhibits, and all other papers connected therewith, to the clerk of the Court of Customs Appeals, and that court shall, upon notice to the Attorney-General and to all parties interested, reexamine and determine the case as last above provided, and its decision shall be final, except in cases which are certified to the Supreme Court of the Islands as provided in

section two hundred and eighty-eight of Act Numbered Three hundred and fifty-five, as amended."

SEC. 2. Section two hundred and eighty-eight of said Act is hereby amended to read as follows:

"SEC. 288. The evidence taken before either the collector of customs or the Insular Collector may, if competent, be used before said court, and said court may receive further evidence pertinent to the issue. The court may make general rules governing the proceedings before it. Costs may be allowed to the Government or to the adverse party, in the discretion of the court, but such costs shall not exceed those allowed to parties in actions pending in the Supreme Court for the Philippine Islands, as established by the Code of Procedure in Civil Actions and Special Proceedings. The court shall have the power to 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 Customs Appeals is exclusive of all other remedies 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. No appeal shall be to the Supreme Court of the Islands from the judgment of the Court of Customs Appeals under said section two hundred and eighty-seven, as amended, except in a case where the two judges of the Court of Customs Appeals shall disagree as to any decision, in which case they shall certify the fact of their disagreement and the record to the Supreme Court of the Islands, which shall thereupon proceed to examine the case and issue a mandate to the Court of Customs Appeals as to the judgment which should be entered, and, except a case in which the Secretary of Finance and Justice shall certify that the public interests require a reexamination of certain questions arising therein by the Supreme Court, in which case the judges of the Court of Customs Appeals shall send up the entire record to the Supreme Court which shall consider and decide the questions presented by the certificate of the Secretary of Finance and Justice if, in the opinion of the Supreme Court, the record presents for decision the certified questions, and shall issue a mandate to the Court of Customs Appeals to enter judgment in accordance with its decision."

SEC. 3. Section two hundred and eighty-nine of said Act is hereby amended to read as follows:

"SEC. 289. The Court of Customs Appeals shall consist of two judges, to be appointed by the Civil Governor, with the advice and consent of the Philippine Commission. The members of the court shall receive a compensation of four thousand five hundred dollars per annum, in money of the United States. Both members shall possess the qualifications required by law for judges of the Supreme Court, and they may be required to perform the duties of judges of Courts of First Instance in any province in the Islands, or in the city of Manila, when directed in writing by the Civil Governor to do so, in which case their acts, proceedings, and

judgments shall be of equal validity as though they were the acts, proceedings, and judgments of the regular judge of the Court of First instance. Judges of the Court of Customs Appeals shall have the power to administer oaths, and, as to proceedings pending before it, the court shall have all the powers of the Supreme Court for the Philippine Islands, as defined in Acts Numbered One hundred and thirty-six and One hundred and ninety. It shall be a court of record and have a seal. One judge shall constitute the court for the trial of all criminal causes, but, in all other cases, appeals, or questions before the Court of Customs Appeals, the court shall consist of two judges. Whenever the Insular Collector so requests it shall be the duty of the Attorney-General, or some person detailed from his office for that purpose, to aid the Insular Collector in the presentation of cases before the Court of Customs Appeals. The judges shall, before entering upon the performance of their duties, take the oath required by law to be taken by judicial officers. There shall be a clerk of the court, who may be required to act also as interpreter, to be appointed by the Attorney-General, with the approval of the Secretary of Finance and Justice, and his successor shall be appointed, subject to the rules of the civil service, by the same appointing power. He shall receive a salary of one thousand six hundred dollars per annum, in money of the United States. The clerk may employ such deputies, clerical assistants, typewriters, stenographers, and messengers, and at such salaries as the Attorney-General shall authorize, with the approval of the Secretary of Finance and Justice. Said court shall be deemed to be always open."

SEC. 4. Sections two hundred and ninety and two hundred and ninety-one of the Customs Administrative Act are hereby repealed, and in lieu thereof the following is substituted:

"SEC. 290. The Court of Customs Appeals shall have jurisdiction concurrent with that of the Courts of First Instance to consider all criminal prosecutions begun under this 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,' and the Chinese Exclusion Acts, and under the customs and navigation laws; and the procedure in such cases shall be the same as in criminal causes in Courts of First Instance. The court first taking jurisdiction hereunder shall thereafter have exclusive jurisdiction of the prosecution thus begun. From a judgment of the Court of Customs Appeals in criminal causes there shall be right of appeal to the Supreme Court in every case in which the penalty of imprisonment or a fine exceeding six hundred Philippine pesos, exclusive of costs, is adjudged against the defendant. In all other criminal cases, including those in which a fine of six hundred pesos or less is adjudged or in which imprisonment is adjudged in default of payment of the fine, the judgment of the Court of Customs Appeals shall be final."

SEC. 5. Section three hundred and thirteen of the Customs Administrative Act is herein repealed, and the following sections, numbered three hundred and thirteen, three hundred and thirteen a, and three hundred and thirteen b, are substituted in lieu thereof: