

**[ADMINISTRATIVE ORDER NO. 247, December
23, 1953]**

**REPRIMANDING COMMISSIONER OF CUSTOMS ALFREDO V.
JACINTO**

Mr. Alfredo V. Jacinto, Commissioner of Customs, is charged with having failed to prevent the entry of contraband firecrackers into the Philippines, to see to it that his directive that the cargo of sixty-two cases suspected to contain firecrackers instead of butter as declared be guarded and its contents inspected, was followed, and to take positive action that could have prevented the removal of the cargo from the pier without examination, which omissions on his part contributed in great measure to the removal and disappearance of the cargo.

In his defense the respondent claims that the importation of firecrackers is not banned and hence those found with the shipment of sixty-two cases did not constitute contraband; that the function of examining incoming cargoes to determine their contents for purposes of duty or tax assessment devolves upon the collector of customs for the port concerned, in this case that for the port of Manila; that he did not know of the order of the Secretary of Finance to have the shipment examined nor was he informed of the order of the Collector of Customs for the Port of Manila to transfer the same from the pier; and that his failure to follow through his directive to Colonel James H. Keefe, the chief of the customs secret service and harbor police division, was due to his multifarious duties.

While the contention of respondent as to the non-contraband character of the firecrackers may be accepted as correct, still said articles, having been misdeclared as butter, were subject to impounding by the Bureau of Customs for purposes of seizure proceedings. The fact that under the law it is the Collector of Customs for the Port of Manila who has jurisdiction over matters of the nature here involved obviously does not divest the respondent of supervisory jurisdiction over said collector. To hold that a chief of a bureau or office may not intervene in the functions of his deputy or any other official under him would make that position so weak and impotent that it would become unnecessary and superfluous in the organizational setup of the bureau or office.

In the present case the respondent, having personal knowledge of the existence of misdeclared merchandise through a formal verbal report made to him by Colonel Keefe, could and should have relayed that information to the Collector of Customs for the Port of Manila and directed the latter to have the entire cargo examined to determine its true contents. However, not only did he fail to do either but he ever failed to follow up his own directive for the examination of said cargo.

Under the circumstances, the respondent may be said to be partly to blame for what ultimately happened to the shipment of sixty-two cases above referred to, the firecracker contents of which were substituted with butter, resulting in loss to the