

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

PEOPLE OF THE
PHILIPPINES,

Petitioner,

CTA EB CRIM NO. 135
(CTA Crim. Case No. O-990)

Present:

-versus-

QNX SOLUTIONS,
INCORPORATED and its
responsible corporate officers
ANGELO R. BALILI,
(President), SANTIAGO T.
PULIDO (Treasurer) and
GETRUDEDES S. TAMAYO
(Corporate Secretary),

RINGPIS-LIBAN, *P.J.*,
MANAHAN,
BACORRO-VILLENA,
MODESTO-SAN PEDRO,
REYES-FAJARDO,
CUI-DAVID,
FERRER-FLORES, *and*
ANGELES, *JJ.*

Promulgated:

Respondents.

JAN 30 2026

X

X

RESOLUTION

Before the Court is the *Motion for Reconsideration (Re: Resolution dated 10 October 2024)* filed by petitioner via registered mail on October 28, 2024.

In the said *Motion*, petitioner prays for the reconsideration of the Resolution dated October 10, 2024 on the grounds of substantial justice and equity. Petitioner points out that as early as May 14, 2023, the Warrants of Arrest issued against respondents were returned stating that the accused could not be served with the said Warrants since they could not be found at their given address despite diligent efforts. This was likewise confirmed by the Records Verification Report dated July 11, 2024 stating that the Minute Resolution dated May 24, 2024 was returned unserved with the notation "moved-out." Petitioner further points out that the Resolutions dated August 14, 2023 and December 1, 2023 show that respondents were no longer furnished a copy thereof considering that respondents could not be found at their registered address.

Petitioner thus claims that the records of the case show that the services of notices to respondents remain frustrated, and that to strictly

apply Sections 5 and 7, Rule 43 of the Rules of Court (ROC)¹ to the instant case would be contrary to the principles of substantial justice and equity since to require otherwise would result in an exercise in futility.

The instant *Motion* must be denied.

It is well-established that the relaxation of procedural rules cannot be made without any valid reasons. To merit liberality, petitioner must show reasonable cause justifying its non-compliance with the rules and must convince the Court that the outright dismissal of the petition would defeat the administration of substantive justice.²

This is because procedural rules are designed to facilitate the adjudication of cases. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice.³

Thus, resort to a liberal application, or suspension of the application of procedural rules, must remain as the exception to the well-settled principle that rules must be complied with for the orderly administration of justice.⁴

With respect to the requirement of submission of proof of service of the petition to the adverse party, suffice it to say that basic considerations of fairness and due process impel this rule. Jurisprudence has long provided that proof of service of the petition is mandatory, and utter disregard of this rule cannot be justified by harking on substantial justice and the policy of liberal construction of the ROC.⁵

Applying the foregoing to the present case, petitioner's reasons for not serving on respondents the *Petition for Review* filed via registered mail on December 29, 2023, are **insufficient** to justify the

¹ Section 5. *How appeal taken.* — Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency *a quo*.

x x x

Section 7. *Effect of failure to comply with requirements.* — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

² *Daikoku Electronics Phils., Inc. v. Raza*, G.R. No. 181688, June 5, 2009.

³ *Rural Bank of the Seven Lakes (S.P.C.), Inc. v. Dan*, G.R. No. 174109, December 24, 2008.

⁴ *Building Care Corp. v. Macaraeg*, G.R. No. 198357, December 10, 2012.

⁵ *Ferrer v. Villanueva*, G.R. No. 155025, August 24, 2007.

relaxation of Sections 5 and 7, Rule 43 of the ROC. To be sure, the fact that respondents could not be located at their registered or recorded address does not in any way discharge petitioner of its obligation to notify them of the case being filed against them. There is neither logical nor legal basis to support a contrary finding.

Neither can this Court accept the belated service of the aforementioned *Petition for Review* on April 29, 2024 as substantial compliance with the foregoing rules, considering the jurisprudential precept that the right to appeal is a mere statutory privilege; hence, anyone who seeks to invoke such privilege must comply with the applicable rules; otherwise, the right to appeal is forfeited.⁶

WHEREFORE, premises considered, the *Motion for Reconsideration (Re: Resolution dated 10 October 2024)* is **DENIED** for lack of merit.

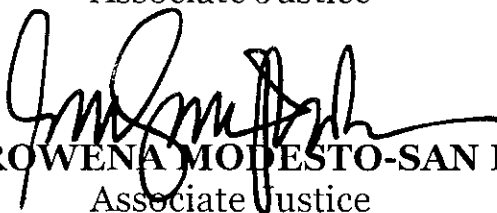
SO ORDERED.



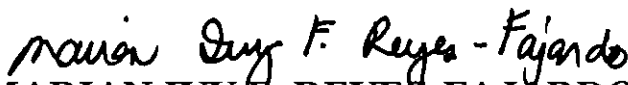
MA. BELEN M. RINGPIS-LIBAN
Presiding Justice



(With Concurring Opinion)
JEAN MARIE A. BACORRO-VILLENA
Associate Justice



MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice



MARIAN IVY F. REYES-FAJARDO
Associate Justice



LANEE S. CUI-DAVID
Associate Justice

⁶ Agravante v. Commission on Elections, G.R. No. 264029, August 8, 2023


CORAZON G. FERRER-FLORES
Associate Justice


HENRY S. ANGELES
Associate Justice

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
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PEOPLE OF THE PHILIPPINES,
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Present:

- versus -

QNX SOLUTIONS,
INCORPORATED and its
responsible corporate officers
ANGELO R. BALILI (President),
SANTIAGO T. PULIDO
(Treasurer) and GERTRUDES S.
TAMAYO (Corporate Secretary),
Respondents.

DEL ROSARIO, P.J.,
RINGPIS-LIBAN,
MANAHAN,
BACORRO-VILLENA,
MODESTO-SAN PEDRO,
REYES-FAJARDO,
CUI-DAVID,
FERRER-FLORES, and
ANGELES, JL.

Promulgated:

JAN 30 2026

[Signature] 4:25 p.m.

X ----- X

CONCURRING OPINION

BACORRO-VILLENA, J.:

I concur in the denial of petitioner People of the Philippines' (petitioner's) Motion for Reconsideration¹ (MR) on the Court *En Banc*'s Resolution dated 10 October 2024² (Assailed Resolution) for lack of merit.

In addition to the Court *En Banc*'s finding that petitioner failed to comply with the proof of service requirement under Section 5³, Rule 43⁴ of the Rules of Court (ROC), as amended — which alone constitutes sufficient ground for dismissal under Section 7⁵, Rule 43 of the ROC, as amended — it

¹ Rollo, pp. 83-89.
² Id., p. 81 (six [6]-page Resolution but only the first page is paginated).
³ Section 5. *How appeal taken.* — Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency a quo. The original copy of the petition intended for the Court of Appeals shall be indicated as such by the petitioner. (Emphasis and underscoring supplied)
⁴ APPEALS FROM THE COURT OF TAX APPEALS AND QUASI-JUDICIAL AGENCIES TO THE COURT OF APPEALS.
⁵ Section 7. *Effect of failure to comply with requirements.* — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof

CONCURRING OPINION

CTA EB Crim. No. **135** (CTA Crim. Case No. O-990)

People of the Philippines v. QNX Solutions, Incorporated and its responsible corporate officers Angelo R. Balili (President), Santiago T. Pulido (Treasurer) and Gertrudes S. Tamayo (Corporate Secretary)

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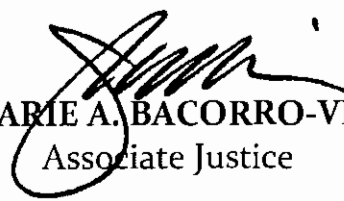
must also be emphasized that petitioner’s earlier MR⁶ assailing the First Division’s Resolution dated 09 August 2023⁷ (**Dismissal Resolution**), which dismissed the case on the ground of prescription, was filed out of time.

As noted in the First Division’s Resolution dated 01 December 2023⁸, the records show that petitioner received the Dismissal Resolution on 16 August 2023. Petitioner therefore had until 31 August 2023 to file its MR. However, petitioner filed its MR only on 25 September 2023, well beyond the fifteen (15)-day reglementary period. Consequently, the Dismissal Resolution became final and executory and could no longer be subject to appeal.

By the time petitioner filed the present *Petition for Review*⁹ on 29 December 2023, the First Division’s Dismissal Resolution had already attained finality. Thus, even if the Court *En Banc* were to disregard the lack of proof of service, it would still lack jurisdiction to review the matter and would have no recourse but to dismiss the present *Petition for Review* outright.

Given the finality of the Dismissal Resolution and the defects in petitioner’s two (2) Affidavits of Service¹⁰, the present petition clearly lacks sufficient merit to justify relaxation of the rules of procedure. Petitioner cannot be relieved from the consequences of its non-compliance, as it has not demonstrated that such failure would result in grave injustice disproportionate to the procedural lapse. Accordingly, the Court *En Banc* cannot disregard the procedural defects surrounding this appeal under the guise of substantial justice.

All told, I vote **DENY** petitioner’s Motion for Reconsideration on the Court *En Banc*’s Resolution dated 10 October 2024 for lack of merit.


JEAN MARIE A. BACORRO-VILLENA
Associate Justice

of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. (Emphasis and underscoring supplied)

⁶ Division Docket, pp. 125-131.
⁷ Annex “B” to the *Petition for Review*, *rollo*, pp. 16-21.
⁸ Annex “D” to the *Petition for Review*, *id.*, pp. 24-26.
⁹ *Id.*, pp. 1-30, with annexes.
¹⁰ In the Assailed Resolution, the Court *En Banc* noted the following defects in the **First Affidavit of Service**: (1) the *Petition for Review* was served to respondents only on 29 April 2024; (2) the Registry Receipt is attached to the *Petition for Review* filed together with petitioner’s Compliance dated 29 April 2024 and not to the *Petition for Review* filed with the Court *En Banc* on 29 December 2023; and (3) the *Petition for Review* was served to respondents through registered mail, and not through accredited courier as stated in Petitioner’s Compliance. On the other hand, the subject of the **Second Affidavit of Service** is petitioner’s Compliance dated 29 April 2024, and not the *Petition for Review* filed on 29 December 2023.