REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL SECOND DIVISION

MILLIONSTAR GRAINS CORPORATION represented by its President MS. JAENA BAUTISTA-MANUNTAG, Petitioner,	**CTA Case No. 10558**
	Members:
	RINGPIS-LIBAN, *P.J., Chairperson,* **MODESTO-SAN PEDRO**, *and* *FERRER-FLORES, JJ.*
-versus-	
HON. DISTRICT COLLECTOR OF CUSTOMS, Port of MICP, North Harbor, Port Area, Manila and HON. REY LEONARDO GUERRERO, Commissioner of Customs, South Harbor, Port Area, Manila Respondents.	Promulgated: 4:00 pm

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R E S O L U T I O N

RINGPIS-LIBAN, *P.J.*:

For resolution of the Court is petitioner's *Motion for Reconsideration*[1] filed on February 25, 2026, with respondents' *Opposition (To the February 25, 2026 Motion for Reconsideration)*[2] filed on March 2, 2026.

For easy reference, the dispositive portion of the assailed Decision[3] reads:

> **ACCORDINGLY**, the Amended Petition for Review of Protest and Appeal for Duty and Tax Refund is **DISMISSED** for lack of jurisdiction.
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> **SO ORDERED.**[4]

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[1] Docket, Vol. II, pp. 535-542.
[2] Docket, Vol. II, pp. 545-551.
[3] Docket, Vol. II, pp. 523-533.
[4] See Note 3, p. 532.

In assailing the Court of Tax Appeals (CTA)'s ruling that it has no jurisdiction over the Petition, petitioner argues that Section 11 of Republic Act (RA) No. 1125, as amended by RA No. 9282, provides that any party adversely affected by the inaction of the Commissioner of Customs (COC) may file an appeal before this Court. It pertinently provides:

> SEC. 11. *Who may Appeal; Mode of Appeal; Effect of Appeal.* – Any party adversely affected by a decision, ruling or inaction of xxx, the Commissioner of Customs, xxx may file an appeal with the CTA within thirty (30) days after receipt of such decision or ruling or after the expiration of the period fixed by law for action as referred to in Section 7(a)(2) herein.

Respondents counter that respondent District Collector issued the Final Assessment Notice on February 8, 2021. However, petitioner only filed its protest on March 4, 2021. Thus, the same was belatedly filed. Alternatively, even assuming that the subject protest is valid, the Petition was likewise belatedly filed.

After careful consideration of the arguments of both parties, the Court finds in favor of respondents.

The "deemed affirmed" provision under Customs Administrative Order (CAO) No. 02-2020, in relation to Section 1110 of the Customs Modernization and Tariff Act (CMTA), is appealable to the CTA

On this score, the Court deems it proper to clarify that it is not the *"inaction"* of the COC on the protest that is appealable to the CTA. Rather, it is the consequence of the COC's inaction, *i.e.*, deemed affirmed ruling of the collector tantamount to a decision denying the protest, which gives rise to a cause of action that may be properly elevated to the CTA.

Section 1110 of the CMTA provides:

> SEC. 1110. *Decision in Protest.* - When a protest is filed in proper form, **the Commissioner shall render a decision within thirty (30) days from receipt of the protest**. In case the protest is sustained, in whole or in part, the appropriate order shall be made, and the entry reassessed, if necessary. *(Emphasis supplied)*

Relative thereto, Section 10.3 of Customs Administrative Order (CAO) No. 02-2020 provides:

> 10.3 When a protest is filed in proper form, the Commissioner shall render a ruling within thirty (30) days from receipt of the protest. **Otherwise, the ruling of the Collector shall be deemed affirmed if the Commissioner fails to act on the same.** *(Emphasis supplied)*

Based on the above-quoted provisions, the COC has 30 days from receipt of a protest in proper form, within which to decide the protest. In case of the COC's failure to act on the same within the prescribed period, the ruling of the Collector is deemed affirmed. This *"deemed affirmed"* provision under Section 10.3 of CAO No. 02-2020, in relation to Section 1110 of the CMTA, is appealable to the CTA. Section 7(a)(4) of RA No. 1125, as amended by RA No. 9282, provides:

> Sec. 7. Jurisdiction.- The CTA shall exercise:
>
> a. Exclusive appellate jurisdiction to review by appeal, as herein provided:
>
> xxx xxx xxx
>
> 4. **Decisions** of the Commissioner of Customs in cases involving liability for customs duties, fees or other money charges, seizure, detention or release of property affected, fines, forfeitures or other penalties in relation thereto, or other matters arising under the Customs Law or other laws administered by the Bureau of Customs;*(Emphasis supplied)*

Harmonizing the above-quoted provisions, the Court maintains that it has no jurisdiction over an *"inaction"* of the COC on a protest, because such *"inaction"* is equivalent to a decision denying the protest under the *"deemed affirmed" proviso* of Section 10.3 of CAO No. 02-2020. Simply put, **there is no appealable *"inaction"* of the COC because such *"inaction"* is deemed a denial of the protest, which is a decision properly appealable to the CTA under Section 7(a)(4) of RA No. 1125, as amended by RA No. 9282.**

Applying the above-discussion, and upon revisiting the reasoning of the Court in arriving at the conclusion reached in the assailed Decision, *i.e.*, the CTA has no jurisdiction over inactions of the COC, the Court declares that **it has jurisdiction over decisions of the COC arising from the latter's failure to act on the protest within the prescribed period under Section 1110 of the CMTA, in relation to CAO No. 02-2020 and Section 7(a)(4) of RA No. 1125, as amended by RA No. 9282**, *i.e.*, the ruling of the Collector shall be deemed affirmed if the COC fails to act on the protest within 30 days from receipt of the same.

At any rate, the Court still finds that it has no jurisdiction over the case for belated filing of the Petition.

The CTA still has no jurisdiction over the instant case due to the late filing of the Petition

Records show that petitioner filed its protest on March 4, 2021.[5] Applying the above-quoted provisions of Section 1110 of the CMTA, the COC had 30 days from March 4, 2021, or until April 3, 2021, within which to act on the subject protest. However, the COC failed to act on the same.

Likewise, applying the provisions of Section 10.3 of CAO No. 02-2020, the COC's inaction on the subject protest is deemed an affirmation of the collector's ruling, tantamount to a decision denying the protest. Applying the provisions of Section 11 of RA No. 1125, as amended by RA No. 9282, petitioner had 30 days from April 3, 2021, or until May 3, 2021, within which to file its appeal before the CTA. However, records show that petitioner filed its Petition for Duty and Tax Refund only on June 25, 2021. Hence, the Petition was belatedly filed.

Considering that belated filing of the Petition, the Court still has no jurisdiction over the instant case. Thus, denial of the instant motion is in order.

FOR THESE REASONS, petitioner's *Motion for Reconsideration* is **DENIED**, for lack of merit.

SO ORDERED.

MA. BELEN M. RINGPIS-LIBAN
Presiding Justice

WE CONCUR:

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

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[5] Par. 7, Joint Stipulation of Facts, JSFI, Docket, p. 327.