

Republic of the Philippines
Court of Tax Appeals
Quezon City

Second Division

JUNHEON

KIM,

Petitioner,

CTA Case No. 10096

- versus -

COMMISSIONER OF CUSTOMS,

Respondent.

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O R D E R

In today's proceedings, the following appeared: Associate Solicitor Victor Emmanuel L. Almazar, as lead counsel for the respondent, together with Associate Solicitor Aiza Katrina C. Valdez, and Atty. Virson Vispo from the Bureau of Customs; and Dr. Kyung Min Bae, the commissioned interpreter in this case.

On the other hand, petitioner, Junheon Kim, the supposed witness for today, as well as petitioner's counsel failed to appear despite due notice.

Atty. Jesus Inocando, the Division Clerk of Court, manifested that the secretary of petitioner's counsel, Atty. Erwin Jake Doctor, called the Office of the Clerk of Court to inform the Court that counsel was sent to the hospital this morning. Said manifestation is **NOTED**.

However, Solicitor Almazar moved to dismiss the instant case for failure to prosecute considering that the previous resetting of this case was on the condition that it will be for the last time.

It appearing that in the Order dated March 1, 2023, the hearing on said date was reset with the condition that should the petitioner again fail to appear today, it shall be deemed a waiver of his right to testify in Court, the motion is **GRANTED**.

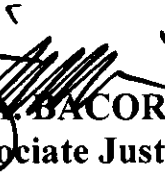
Accordingly, this case is hereby **DISMISSED** for failure of petitioner and counsel to appear despite due notice.

SO ORDERED.

GIVEN IN OPEN COURT, this 12th day of April 2023, in Quezon City, Philippines.



ERLINDA P. UY
Associate Justice



JEAN MARIE A. BACORRO-VILLENA
Associate Justice



LANEE S. CUI-DAVID
Associate Justice