

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
Quezon City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case No. 0-098
(I.S No. 2007-533)

*For: Violation of Sec. 3602 in
relation to Sec. 2503 and 2530
of the TCCP, as amended.*

-versus-

Members:

ACOSTA, P.J.
BAUTISTA, and
CASANOVA, JJ.,

ALLAN FRANCISCO, BOBBY GARCIA,
TIM BRANDO RATILLA and JENNYLYN
BIADO,

Accused.

Promulgated:

AUG 27 2009; 2:52pm

X-----X

RESOLUTION

In a Resolution promulgated on June 1, 2009, the Court made the following order:

"On December 2, 2008, the Court promulgated a Resolution, to wit:

'On November 5, 2008, Associate Prosecution Attorney II ROHAIRAH LAO-TAMANO of the Department of Justice submitted to the Court of Tax Appeals an "Order (On Motion for Inhibition)" informing the Court that she has inhibited from handling the instant case to avoid further malicious imputation of bias and partiality. The said Order is hereby NOTED. Accordingly, the Chief Prosecutor of the Department of Justice is hereby ORDERED to furnish this Court the name of the substitute Public Prosecutor in the above-captioned case within ten (10) days from receipt of this Resolution.

173

SO ORDERED.'

However, records disclose that the Chief Prosecutor has not yet complied with the above-mentioned Resolution. Accordingly, the Chief State Prosecutor of the Department of Justice is hereby **ORDERED** to comply with the December 2, 2008 Resolution within a final and non-extendible period of ten (10) days from receipt of this Resolution. Fail not under penalty of law.

On May 5, 2009, the Marikina Police Station returned a copy of the Alias Warrant of Arrest issued against accused-TIM BRANDO RATILLA stating therein that he cannot be located at the given address. The return of the Warrant of Arrest and the explanation given are hereby **NOTED** by the Court's First Division.

Accordingly, the Bureau of Customs (BoC) is hereby **ORDERED** to inform this Court of any developments regarding the whereabouts of accused-**TIM BRANDO RATILLA**.

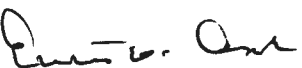
On the same date, counsel for the accused-TIM BRANDO RATILLA and JENNYLYN BIADO filed a "Motion for Judicial Redetermination of Probable Cause". The Chief State Prosecutor or the substitute Public Prosecutor in the instant case is hereby also **ORDERED** to file a Comment on the said motion within a non-extendible period of ten (10) days from receipt hereof. After compliance with this Resolution, or the expiration of the above period without the submission of the required Comment, accused-TIM BRANDO RATILLA and JENNYLYN BIADO's "Motion for Judicial Redetermination of Probable Cause" will be submitted for resolution. Let a copy of this Resolution be furnished to Atty. Michael Vito Cruz and Atty. Marlon A. Agaceta, (RATS) Group, Bureau of Customs, Manila.

SO ORDERED."

As borne by the records of this case, the said Resolution was received by both the Prosecution Staff, Docket Section of the Department of Justice (DOJ) and the Legal Service, Bureau of Customs (BOC) on June 8, 2009¹. However, up to date, no compliance has been made by the Chief State Prosecutor of the DOJ with regard to the above-quoted Resolution.

¹ Notice of Resolution, CTA First Division Docket, p. 170.

WHEREFORE, premises considered, CTA Criminal Case No. O-098 entitled, *"People of the Philippines, plaintiff vs. Allan Francisco, Bobby Garcia, Tim Brando Ratilla and Jennylyn Biado, accused."* is hereby **DISMISSED** for plaintiff's failure to prosecute. The "Motion for Judicial Redetermination of Probable Cause" filed by accused-TIM BRANDO RATILLA and JENNYLYN BIADO is hereby rendered **MOOT** and **ACADEMIC**.
SO ORDERED.



ERNESTO D. ACOSTA
Presiding Justice



LOVELL R. BAUTISTA
Associate Justice



CAESAR A. CASANOVA
Associate Justice