CTA Form No. 8

21-000307-0047

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

CTA CASE NO. 10581

L.T.J.S. STORE, represented by its Owner/Proprietor MR. ANTONIO DE JESUS SILVA,
Petitioner,

\- 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.

NOTICE OF DECISION

To:

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo St., Legazpi Village
Makati City

HON. REY LEONARDO GUERRERO
COMMISSIONER OF CUSTOMS
Bureau of Customs
South Harbor, Port Area, Manila

DISTRICT COLLECTOR OF CUSTOMS
Port of MICP, North Harbor, Port Area, Manila

VALDEZ LAW AND ASSOCIATES
Unit 804, Future Point Plaza I Condominium
112 Panay Avenue, Brgy. South Triangle 1103
Quezon City

GREETINGS:

You are hereby notified by these presents that on **November 13, 2024,** a Decision was rendered in the above-entitled case, copy of which is attached hereto.

Quezon City, Philippines, **November 14, 2024.**

Atty. Margarette Y. Guzman
Executive Clerk of Court III

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

L.T.J.S. STORE, represented by its Owner/Proprietor MR. ANTONIO DE JESUS SILVA,
Petitioner,

-versus-

HON. DISTRICT COLLECTOR OF CUSTOMS, Port of MICP, North Harbor, Port Area, Manila; and HON. REY LEONARDO B. GUERRERO, Commissioner of Customs, South Harbor, Port Area, Manila,
Respondents.

CTA CASE NO. 10581

Members:

DEL ROSARIO, *P.J., Chairperson,*
BACORRO-VILLENA, *and*
CUI-DAVID, *JJ.*

Promulgated:

NOV 13 2024; 10:50 AM

x- x

DECISION

CUI-DAVID, J.:

Before the Court is a *Petition for Duty and Tax Refund*[1] seeking the recovery of alleged overcharged duties amounting to ₱767,616.49, pertaining to the importation of 20,800 bags of Vietnam White Rice.

THE PARTIES

Petitioner is a proprietorship store registered and existing under the laws of the Republic of the Philippines, situated at

[1] Docket, pp. 6–9.

Lot 30, Block 11, Phase 2, Sto. Niño Village, Tunasan, Muntinlupa City.[2]

Respondent District Collector of Customs holds office at the Port of MICP, North Harbor, Port Area, Manila; and

Respondent Rey Leonardo B. Guerrero is the Commissioner of the Bureau of Customs (BOC), with office located at South Harbor, Port Area, Manila.[3]

THE FACTS

On April 20, 2021, petitioner's shipment of 20,800 bags of Vietnam White Rice[4] arrived at the Manila International Port.[5] The District Collector of Customs assessed taxes and duties amounting to ₱4,655,941.81 for the shipment.[6]

On May 6, 2021, petitioner filed a *Protest and Appeal for Duty and Tax Refund*[7] (Protest) with the BOC, contesting the assessment.

Alleging inaction on the part of respondents, petitioner filed this *Petition for Duty and Tax Refund*[8] (*Petition*) on July 9, 2021, praying that respondents "be enjoined to effect the speedy refund of the over-charged duty/tax" amounting to ₱767,616.49.[9] The case was initially raffled to the Court's Second Division.

On July 19, 2021, the Second Division issued Summons[10] to respondents, ordering them to file their answer within thirty (30) days from receipt of the notice. However, based on a Records Verification dated March 1, 2022,[11] respondents failed to file an answer.

---

2 *Id.* at 6, Petition for Duty and Tax Refund, par. 1.
3 *Id.*
4 Exhibit "P-1", Docket, p. 61.
5 Docket, p. 99, Judicial Affidavit of Witness Antonio De Jesus Silva, A.6.
6 Exhibit "P-9", Docket, p. 60.
7 Exhibit "P-14", Docket, pp. 65–68.
8 *Supra* note 1.
9 Docket, p. 8.
10 *Id.* at 23.
11 *Id.* at 25.

On April 7, 2022, petitioner filed, through registered mail, a *Motion to Declare Respondents in Default,*[12] with respondents' *Comment*[13] posted on May 6, 2022.

On April 28, 2022, respondents filed a *Manifestation and Motion*[14] with an attached *Answer.*[15] However, in a Resolution dated June 22, 2022,[16] the Second Division granted petitioner's *Motion to Declare Respondents in Default* and deemed respondents' *Manifestation and Motion* moot.

On July 15, 2022, respondents filed a *Motion for Reconsideration,*[17] which the Court subsequently denied due to lack of merit.[18]

On May 29, 2023, the case was transferred to this Division pursuant to Administrative Circular No. 01-2023 (Reorganizing the Divisions of the Court) dated May 23, 2023.[19]

In the *ex parte* hearing held on April 16, 2024, petitioner presented its lone witness, Mr. Michael C. Mertalla.[20] Thereafter, petitioner was given five (5) days to file its *Formal Offer of Evidence.*

On April 22, 2024, petitioner filed its *Formal Offer of Evidence,*[21] which the Court acted upon in its Resolution dated May 24, 2024.[22] In that same resolution, the case was deemed submitted for decision due to respondents being declared in default.

THE ISSUE

While petitioner did not explicitly present any issues for the Court's resolution, a review of the allegations suggests that the core issue is *whether petitioner is entitled to a refund of the over-charged customs duties amounting to ₱767,616.49.*

Mr

---

12 *Id.* at 29–31.
13 *Id.* at 71–75.
14 *Id.* at 34–36.
15 *Id.* at 39–45.
16 *Id.* at 79–83.
17 *Id.* at 84–89.
18 *Id.* at 123–125, Resolution dated September 13, 2022.
19 *Id.* at 161.
20 *Id.* at 296–297, Order.
21 *Id.* at 299–303.
22 *Id.* at 307–308.

Petitioner argues that respondents' assessment of customs duties and taxes on the rice shipments does not conform with the Transaction Value System-Method One, as prescribed under Section 701 of the Customs Modernization and Tariff Act (CMTA). The CMTA provides that the proper basis for valuation should be the price actually paid or payable for the goods, rather than a reference value, when the goods are sold for export to the Philippines.

Petitioner asserts that it has been adversely affected by respondents' inaction. Consequently, petitioner filed this *Petition* in accordance with Rule 8 of the Revised Rules of the Court of Tax Appeals (RRCTA), as there is no available appeal or practical remedy in law.

THE COURT'S RULING

The instant *Petition* must be dismissed.

The Court has no jurisdiction over this case.

Under Section 11 of Republic Act (RA) No. 1125, as amended by RA No. 9282,[23] and Section 3(a), Rule 8 of the RRCTA,[24] an appeal from a decision or ruling of the Commissioner of Customs (COC) must be filed within 30 days from receipt.

The instant *Petition* does not contain any allegation indicating that it was filed within the mandatory 30-day period following receipt of the assailed decision or order from the COC. A review of the *Petition* reveals that the COC has not yet issued any decision on petitioner's Protest, which was filed on May 6, 2021. Instead, petitioner invokes the COC's inaction as the basis for filing the *Petition*. However, inaction by the COC on matters involving customs duties, fees, or other monetary charges does not fall within the jurisdiction of the CTA.

---

[23] SEC. 11. Who May Appeal; Mode of Appeal; Effect of Appeal. - Any party adversely affected by a decision, ruling ... of ... the Commissioner of Customs ... may file an appeal with the CTA within thirty (30) days after the receipt of such decision or ruling ... .

[24] SEC. 3. Who may appeal; period to file petition. – (a) A party adversely affected ... by a decision or ruling of the Commissioner of Customs ... may appeal to the Court by petition for review filed within thirty days after receipt of a copy of such decision or ruling ... .

The Court of Tax Appeals (CTA)'s jurisdiction is strictly limited to decisions or rulings of the COC, as outlined in Section 7 of RA No. 1125, as amended by RA No. 9282:

> SEC. 7. *Jurisdiction.* — The CTA shall exercise: a. Exclusive appellate jurisdiction to review by appeal, as herein provided:
>
> ....
>
> 2. **Inaction by the Commissioner of Internal Revenue** in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties in relations thereto, . . . where the National Internal Revenue Code provides a specific period of action, in which case the *inaction* shall be deemed a denial;
>
> ...
>
> 4. **<u>Decisions</u> 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*)

The term "inaction" subject to appeal under RA No. 1125 refers exclusively to the Commissioner of Internal Revenue in cases involving disputed assessments, refunds, and related matters under the National Internal Revenue Code of 1997, as amended. No similar provision in the CMTA allows for appeals to the CTA based on the inaction of the COC. Section 1136 of the CMTA expressly confines the CTA's jurisdiction to appeals arising from rulings or decisions of the COC:

> SEC. 1136. *Review by the CTA.* — Unless otherwise provided in this Act or by any other law, the party aggrieved by the **ruling or decisions of the Commissioner** may appeal to the CTA, in the manner and within the period prescribed by law and regulations. Decisions of the Secretary of Finance, when required by this Act, may likewise be appealed to the CTA. Unless an appeal is made to the CTA in the manner and within the period prescribed by law and regulations, the ruling or decision of the Commissioner or the Secretary of Finance shall be final and executory.

In the same vein, Section 3, Rule 4 of the RRCTA limits the CTA's jurisdiction over the COC to reviewing decisions:

> SEC. 3. *Cases within the jurisdiction of the Court in Division.* — The Court in Division shall exercise:
>
> (a) Exclusive original or appellate jurisdiction to review by appeal the following:
>
> 1. Decisions of the Commissioner of Internal Revenue ... involving disputed assessments, refunds ... or other matters;
>
> 2. Inaction by the Commissioner of Internal Revenue ...;
>
> 3. Decisions, resolutions, or orders of the Regional Trial Courts in local tax cases ...;
>
> 4. **Decisions of the Commissioner of Customs** in cases involving liability for customs duties, fees, or other monetary charges ... or other matters arising under the Customs Law or other laws administered by the Bureau of Customs.

From the foregoing, it is evident that only decisions or rulings issued by the COC are subject to appeal before the CTA; inaction does not fall within this purview. Therefore, the alleged inaction of the COC cannot serve as a basis for an appeal to this Court.

Petitioner contends that respondents' inaction and unreasonable delay in addressing its Protest justified the filing of this *Petition* on July 9, 2021. This argument lacks merit. While the exhaustion of administrative remedies may be excused in cases of unjustifiable delay or inaction that could cause irreparable prejudice to petitioner, this exception is not applicable here. Petitioner has failed to allege and substantiate the material dates demonstrating "unjustifiable inaction and unfair delay" by respondents in resolving the protest and appeal.

In the absence of a decision or ruling from the COC—and given that no legal provision permits an appeal based on inaction—the Court lacks jurisdiction over the subject matter of the *Petition*.

Accordingly, the *Petition* must be dismissed.

M

The Petition failed to comply with the form and content of a petition for review under Rule 42 of the Revised Rules of Court.

Section 11 of RA No. 1125, as amended, provides that any party adversely affected by a decision or ruling of the COC may file a petition for review with the CTA under Rule 42 of the Revised Rules of Court, within thirty (30) days from receipt of the decision or ruling:

> SEC. 11. *Who May Appeal; Mode of Appeal; Effect of Appeal.* - Any party adversely affected by a decision, ruling ... of ... the Commissioner of Customs ... may file an appeal with the CTA within thirty (30) days after the 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.
>
> **Appeal shall be made by filing a petition for review under a procedure analogous to that provided for under Rule 42 of the 1997 Rules of Civil Procedure with the CTA within thirty (30) days from the receipt of the decision or ruling** or in the case of inaction as herein provided, from the expiration of the period fixed by law to act thereon. (*Emphasis supplied*)

In turn, Section 2, Rule 42 of the Revised Rules of Court provides the required form and contents of such petitions:

> SEC. 2. *Form and contents.* — **The petition** shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and **shall** (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) **indicate the specific material dates showing that it was filed on time;** (c) **set forth** concisely a statement of the matters involved, **the issues raised, the specification of errors of fact or law, or both, allegedly committed** by the Regional Trial Court, and **the reasons or arguments relied upon for the allowance of the appeal**; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.
>
> **The petitioner shall also submit together with the petition a certification under oath that he has not**

> **theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency**; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom. (*Emphasis supplied*)

Furthermore, Section 3, Rule 42 of the Revised Rules of Court states that petitioner's failure to comply with any of the requirements under Section 2 is a sufficient ground for dismissal:

> SEC. 3. *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.** (*Emphasis supplied*)

Upon review, petitioner failed to articulate the specific issues or questions of law or fact being raised for resolution, the reasons or arguments relied upon supporting the *Petition*, and the specific material dates showing that the *Petition* was filed on time. The absence of these required contents impedes the Court's ability to assess the merits of the case, thereby justifying the dismissal of the *Petition*.

In addition, the Verification and Certification of Non-Forum Shopping[25] attached to the *Petition* failed to comply with the requirements of Sections 4 and 5, Rule 7 of the Revised Rules of Court, to wit:

> SEC. 4. *Verification.* — Except when otherwise specifically required by law or rule, pleadings need not be under oath or verified.
>
> A pleading is verified by an affidavit of an affiant duly authorized to sign said verification. **The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading, and shall allege the following attestations:**

---

[25] Docket, pp. 8–9.

(a) The allegations in the pleading are true and correct based on his personal knowledge, or based on authentic documents;

(b) The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

(c) The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

The signature of the affiant shall further serve as a certification of the truthfulness of the allegations in the pleading.

A pleading required to be verified that contains a verification based on "information and belief," or upon "knowledge, information and belief," or **lacks a proper verification, shall be treated as an <u>unsigned pleading</u>.** (*Emphasis supplied*)

SEC. 5. *Certification against forum shopping.* — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) calendar days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the <u>dismissal</u> of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. ... (*Emphasis supplied*)

MY

Specifically, the Verification and Certification of Non-Forum Shopping suffers from the following defects:

(a) The Verification failed to allege the attestations provided in Section 4 (a), (b), and (c), Rule 7 of the Revised Rules of Court;

(b) The Verification and Certification of Non-Forum Shopping was signed by an unauthorized party who is "acting in [his] representative capacity as the President of Goldmine Rice Marketing."

In this case, Mr. Antonio De Jesus Silva (Mr. Silva), who signed the Verification and Certification of Non-Forum Shopping, acted in his capacity as President of Goldmine Rice Marketing, which is not the named petitioner here.

The Verification and Certification of Non-Forum Shopping must be executed by a person duly authorized to represent the petitioner, supported by either a secretary's certificate or a special power of attorney. However, petitioner failed to submit any such document to demonstrate Mr. Silva's authority to act on behalf of L.T.J.S. Store, the named petitioner.

The lack of proper verification renders the *Petition* akin to an unsigned pleading, as stipulated under Section 4, Rule 7 of the Revised Rules of Court. In addition, Section 5, Rule 7 of the same Rules provides that a defective certification serves as a valid basis for dismissal.

The Petition is belatedly filed.

Even if the Court were to assume jurisdiction and overlook the deficiencies in the *Petition*, this case must still be dismissed due to the late filing. The relevant provisions of the CMTA governing the procedure for protesting assessments are as follows:

> SEC. 114. *Right of Appeal, Forms and Ground.* – **Any party adversely affected by a decision or omission of the Bureau pertaining to an importation, exportation, or any other legal claim shall have the <u>right to appeal within fifteen (15) days</u> from receipt of the questioned decision or order.**

An appeal in writing shall be filed within the period prescribed in this Act or by regulation and shall specify the grounds thereof.

The Bureau may allow a reasonable time for the submission of supporting evidence to the appeal.

SEC. 1106. *Protest* – **When a ruling or decision of the District Collector or customs officer involving goods with valuation**, rules of origin, and other customs issues **is made**, except the fixing of fines in seizure cases, **the party adversely affected may appeal by way of protest against such ruling or decision by presenting to the Commissioner at the time when payment of the amount claimed to be due the government is made, or within fifteen (15) days thereafter, a written protest setting forth the objection to the ruling or decision in question and the reasons therefore.**

Subject to the approval of the Secretary of Finance, the Commissioner shall provide such rules and regulations as to the requirement for payment or nonpayment of the disputed amount and in case of nonpayment, the release of the importation under protest upon posting of sufficient security.

SEC. 1107. *Protest Exclusive Remedy in Protestable Case.* – **In all cases subject to protest, the interested party who desires to have the action of the District Collector reviewed, shall file a protest as provided in Section 1106** of this Act, **otherwise the action of the District Collector shall be final and conclusive.**

SEC. 1108. *Form and Scope of Protest.* – **A protest shall be filed in accordance with the prescribed rules and regulations promulgated under this section**. It shall specify the particular decision or ruling of the District Collector for which protest is being made, and shall indicate the particular ground or grounds upon which the protesting party bases the claim for relief. The scope of a protest shall be limited to the particular goods subject of a goods declaration, but any number of issues may be raised in a protest with reference to the goods declaration constituting the subject matter of the protest.

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*)

Implementing the above provisions is Customs Administrative Order (CAO) No. 02-2020, [26] which outlines the pertinent sections regarding dispute settlement and protest procedures for valuation matters, *viz.*:

> SEC. 6. *Dispute Settlement Arising from Customs Valuation.*
>
> 6.1. Upon lodgment of goods declaration and before Assessment becomes final, the Customs Officer may challenge the declaration made by the importer as to the dutiable value of the goods pursuant to Section 707 of the CMTA. **If the importer does not agree with the valuation, he may elevate the matter to the principal appraiser and thereafter to the Chief, Formal Entry Division or equivalent unit, then to the Deputy Collector for Assessment, and finally to the District Collector.**
>
> ....
>
> 6.5. The aggrieved importer adversely affected may appeal by way of protest against such ruling in accordance with this CAO.
>
> 6.6. In case the ruling of the Commissioner is adverse to the importer, he may seek reconsideration or appeal the ruling in accordance with this CAO.
>
> SEC. 10. *Protest.*
>
> 10.1. **The aggrieved importer** or exporter or any stakeholder **directly affected by the adverse ruling of the District Collector in all Protestable Cases arising from** tariff classification, **valuation**, rules of origin or other customs issues, **may appeal by way of protest in writing to the Commissioner within fifteen (15) days from receipt of the adverse ruling of the District Collector or, when payment is made as a result of the adverse ruling, within fifteen (15) days from such payment.**[27] **Otherwise, the action of the District Collector shall be final and conclusive.**[28]
>
> 10.2. A protest filed shall specify the particular ruling of the District Collector for which protest is being made, and shall indicate the particular ground or grounds upon which the protesting party bases the claim for relief. The scope of a protest shall be limited to

---

[26] Dispute Settlement and Protest, April 4, 2020.
[27] CMTA, Title XI, Chapter 2, Section 1106.
[28] CMTA, Title XI, Chapter 2, Section 1107.

> the particular goods subject of a goods declaration, but any number of issues may be raised in a protest with reference to the goods declaration constituting the subject matter of the protest.
>
> 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.**
>
> SEC. 11. *Motion for Reconsideration.* The importer aggrieved by the ruling of the Commissioner, other than a ruling on tariff classification, may, within fifteen (15) calendar days, from receipt of the ruling, file a Motion for Reconsideration with the Commissioner.[29]
>
> SEC. 12. *Finality of the Decision.* Unless an appeal is made to the CTA in the manner and within the period herein prescribed, the ruling of the Commissioner shall be final and executory.[30]
>
> Section 13. *Appeal.* **An importer aggrieved by the decision of the Commissioner may appeal said decision to the CTA within thirty (30) days from receipt of the adverse decision or final order of the Commissioner.**[31] (*Emphasis supplied*)

From the foregoing, if a petitioner disagrees with the customs officer's valuation, the issue may be elevated to the principal appraiser, followed by the Chief of the Formal Entry Division, then to the Deputy Collector for assessment, and finally, the District Collector.

An aggrieved importer affected by a District Collector's ruling may file a written protest with the COC within fifteen (15) days from receipt of the adverse ruling or within fifteen (15) days after making a payment resulting from that ruling.[32] Otherwise, the ruling of the District Collector shall be final and conclusive.[33]

[29] CMTA, Title XI, Chapter 9, Section 1136.
[30] *Id.*
[31] *Id.*, in relation to Rule 41, Section 3 of the Rules of Court and *Neypes v. Hon. Court of Appeals*, G.R. No. 141524, September 14, 2005 [Per J. Corona, *En Banc*].
[32] CAO No. 02-2020, Section 10.1.
[33] *Id.*

When a protest is filed in proper form, the COC shall render a ruling within thirty (30) days from receipt of the protest. If the COC fails to act within this period, the ruling of the District Collector is deemed affirmed.[34] Should the COC's ruling be adverse to the importer, the importer may file a motion for reconsideration with the COC within fifteen (15) calendar days from receipt of the adverse ruling or appeal to the CTA within thirty (30) days from receipt of the adverse decision or final order.

In this case, petitioner claims that on May 6, 2021, it attempted to exhaust possible administrative remedies by submitting its Protest to respondents.[35] However, the *Petition* fails to indicate that petitioner first elevated the matter to the principal appraiser, then to the Chief of the Formal Entry Division, followed by the Deputy Collector for assessment, and finally to the District Collector. Petitioner only alleges that on separate dates, it presented notices of payments under protest against the valuation and collection made by the District Collector;[36] however, it has not provided supporting evidence for this claim.

Even if the Court assumes that a prior ruling was issued by the District Collector and subsequently elevated to the COC through petitioner's Protest—thereby being "deemed affirmed" due to the COC's inaction within 30 days of receiving the Protest on May 6, 2021—the Court would still lack jurisdiction over the *Petition* due to its belated filing.

Under Section 10.3, in relation to Section 13 of CAO No. 02-2020, petitioner may appeal to the CTA the "deemed affirmed" ruling of the District Collector resulting from the COC's inaction. Following the filing of the Protest on May 6, 2021, the COC had until June 5, 2021, to act on it. Given that petitioner alleges inaction by the COC on its Protest, it had until July 5, 2021, to file an appeal with the CTA.

However, petitioner filed the present *Petition* only on July 9, 2021, which renders the alleged ruling of the District Collector—deemed affirmed due to the COC's inaction—final and executory.

---

[34] CAO No. 02-2020, Section 10.3,
[35] *Supra* note 2, at par. 2.
[36] Docket, p. 7, Petition for Duty and Tax Refund, par. 3.

It is established that the right to appeal is neither a natural right nor a part of due process; rather, it is a statutory privilege that must be exercised strictly in accordance with the provisions of law.[37] Thus, compliance with legal requirements is imperative, and any deviation from established rules cannot be permitted.[38] This serves as a reminder that adherence to procedural rules is crucial for the effective administration of justice.

WHEREFORE, the *Petition for Review* is **DISMISSED** for lack of jurisdiction.

SO ORDERED.

LANEE S. CUI-DAVID
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

---

[37] *Boardwalk Business Ventures, Inc. v. Villareal*, G.R. No. 181182, April 10, 2013 [Per J. Del Castillo, Second Division]; *Fenequito v. Vergara, Jr.*, G.R. No. 172829, July 18, 2012 [Per J. Peralta, Third Division]; *Producers Bank of the Philippines v. Honorable Court of Appeals*, G.R. No. 126620, April 17, 2002 [Per J. Carpio, Third Division].

[38] See *Spouses Baniqued v. Ramos*, G.R. No. 158615, March 4, 2005 [Per J. Callejo, Sr., Second Division].

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice