REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

SECOND DIVISION

PTT PHILIPPINES TRADING CORPORATION,
Petitioner,

- versus -

COMMISSIONER OF CUSTOMS & THE SUBIC BAY METROPOLITAN AUTHORITY,
Respondents.

C.T.A. CASE NO. 7707

Members:

CASTAÑEDA, JR., *Chairperson*
UY, *and*
PALANCA-ENRIQUEZ, *JJ.*

Promulgated:

MAR 28 2008

1:05 p.m.

x- x

RESOLUTION

For consideration is respondent Subic Bay Metropolitan Authority's ("Respondent SBMA") "**Motion To Dismiss**" filed on December 28, 2007, praying that Petition for Review filed against it be dismissed. Petitioner filed its **"Comment/Opposition [Re: Respondent Subic Bay Metropolitan Authority's 27 December 2007 Motion To Dismiss]"** on January 28, 2008; and respondent's **"Reply (To The Comment/Opposition of Petitioner On Respondent SBMA's Motion To Dismiss)"** filed on February 26, 2008.

In its motion, respondent SBMA raised the following grounds:

> "1. The cause of action asserted by the petitioner in its petition with respect to respondent SBMA are

446

acts not within the jurisdiction of this Honorable Court [; and]

2. The issue in the Petition and the relief prayed for in so far as respondent SBMA is concerned has become moot and academic."

On the other hand, in its Comment, petitioner counters that:

"Contrary to what the respondent SBMA asserts, this Honorable Court has jurisdiction over the petition as against respondent SBMA's questioned act of demanding the settlement of respondent Commissioner's questionable assessment under threat of suspension of, and actually suspending, petitioner's certificate of registration and tax exemption is anchored upon the decisions or actions of respondent Commissioner, the validity of which is the main issue raised in the instant action."

Anent the first ground, the Court rules in favor of the respondent SBMA.

Jurisdiction is the authority to hear and determine a case. It is fixed by law and cannot be conferred by the parties. (*Manila Railroad Co. vs. Attorney-General*, 20 Phil. 523). Section 7(a), R.A 1125, as amended by R.A. 9282 provides that the Court of Tax Appeals shall exercise exclusive appellate jurisdiction to review by appeal, which are as follows:

"a. Exclusive appellate jurisdiction to review by appeal, as herein provided:

(1.)Decisions of the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue or other laws administered by the Bureau of Internal Revenue;

(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, or other matters arising under the National Internal Revenue Code or other laws administered by the Bureau of Internal Revenue, where the National Internal Revenue Code provides a specific

447

period of action, in which case the inaction shall be deemed a denial;

(3.)Decisions, orders or resolutions of the Regional Trial Courts in local tax cases originally decided or resolved by them in the exercise of their original or appellate jurisdiction;

(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;

(5.)Decisions of the Central Board of Assessment Appeals in the exercise of its appellate jurisdiction over cases involving the assessment and taxation of real property originally decided by the provincial or city board of assessment appeals:

(6.)Decisions of the Secretary of Finance on customs cases elevated to him automatically for review from decisions of the Commissioner of Customs which are adverse to the Government under Sec. 2315 of the Tariff and Customs Code;

(7.)Decisions of the Secretary of Trade and Industry, in the case of nonagricultural product, commodity or article, and the Secretary of Agriculture in the case of agricultural product, commodity or article, involving dumping and countervailing duties under Sec. 301 and 302, respectively, of the Tariff and Customs Code, and safeguard measures under Republic Act No. 8800, where either party may appeal the decision to impose or not to impose said duties.

xxx."

The Court of Tax Appeals is a court of special appellate jurisdiction; and the Court's jurisdiction may only be invoked in the particular instances prescribed in Section 7 of R.A. 9282. From the foregoing Section, any decision, action or inaction of the respondent SBMA is not among those that

448

may be appealed before this Court. Simply put, this Court has no jurisdiction over the person of respondent SBMA.

Anent the second ground, this Court also rules in favor of the respondent SBMA

Petitioner is assailing the respondent SBMA's Suspension Letter dated November 15, 2007, suspending petitioner's operations in the Subic Bay Freeport Zone. Since this Court has no jurisdiction over the person of respondent SBMA, this Court cannot rule on whether the respondent SBMA exceeded its authority in issuing the assailed letter; and grant any relief prayed for in the Petition for Review.

WHEREFORE, respondent SBMA's Motion to Dismiss is **GRANTED**.

Accordingly, the Petition for Review is hereby **DISMISSED**, but only as against respondent SBMA.

SO ORDERED.

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

ERLINDA P. UY
Associate Justice

OLGA PALANCA-ENRIQUEZ
Associate Justice

449