

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, CTA CRIM. CASE NO. O-1179
Plaintiff,

- versus -

For: Violation of Section 3602, in
relation to Section 2503 of the
Tariff and Customs Code of
the Philippines (TCCP), as
amended

ROLANDO A. CUEVAS,
Owner/Proprietor of MONACAT
TRADING

(with business address at Unit 2, Matic Members:
Building, National Highway, Canlalay,
Biñan City, Laguna or
2915 Calia Street, Elvinda Village, San
Pedro City, Laguna)

RINGPIS-LIBAN, *Chairperson,*
MODESTO-SAN PEDRO, *and*
FERRER-FLORES, JJ.

MERMELINDA C. DELA CRUZ
Room 437, 4th Floor, Regina Building,
Escolta, Manila
(All at Large),

Promulgated:

Accused. APR 16 2025

x ----- x

RESOLUTION

On July 10, 2024, the prosecution filed the *Information* dated June 28, 2022 against herein accused, **ROLANDO A. CUEVAS** and **MERMELINDA C. DELA CRUZ**, for violation of Section 3602 in relation to Section 2503 of the Tariff and Customs Code of the Philippines, as amended, allegedly committed as follows:

On or about 24 July 2015, at the Port of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, **ROLANDO A. CUEVAS** and **MERMELINDA C. DELA CRUZ**, owner/proprietor and manager of Monacat Trading, respectively, with evident intent to defraud the Government of the Republic of the Philippines through the importation of luxury vehicles into this country, did then and there, willfully and unlawfully, conspiring and confederating with one another, by means of fraudulent practice, knowingly commit misdeclaration

in the description of goods by means of false statements and information, that is: Monacat Trading, through accused, in its submission of false and fraudulent invoice and declaration of two (2) units of brand new 2015 white and black Land Rover Defender 90 with Chassis Nos. SALLDVAT8FA765512 and SALLDVMP8FA445010 in container van number MSKU0077190 covered by Bill of Lading No. MCC828737A under Import Entry No. C-6375 that arrived from Hongkong, China, with taxes and duties amounting to One Million Four Hundred Six Thousand Nine Hundred Ninety-Eight Pesos (P1,406,998.00), exclusive of surcharges and penalties, but was nonetheless found to contain two (2) units of a brand new 2015 Land Rover Defender 90, a misdeclaration and gross undervaluation of more than thirty-percent (30%) of the imported article, to the damage and prejudice of the government.

CONTRARY TO LAW.

On the other hand, accused Dela Cruz filed a *Motion to Dismiss (on the ground of Inordinate Delay)* on September 25, 2024.

Likewise, Legaspina Uayan Josol Alparaque filed a **Formal Entry of Appearance** on September 20, 2024 as counsel for the accused Dela Cruz. Said counsel, however, failed to file a soft copy of the same pursuant to *En Banc* Resolution No. 8-2024.¹

On November 18, 2024, the Court directed the prosecution to attach the original or the certified true copies of the annexes referred to in the *Complaint-Affidavit* of Alexander D.G. Ugay and Doy O. De Castro which was appended to the *Information*. The Court further directed the counsel of accused Dela Cruz to comply with *En Banc* Resolution No. 8-2024.

Apparently, Legaspina Uayan Josol Alparaque filed the soft copy of its *Formal Entry of Appearance* on December 2, 2024 in compliance with *En Banc* Resolution No. 8-2024.

A review of the records of the case shows that the prosecution received on December 02, 2024² the Court's Resolution dated November 18, 2024. Counting five days therefrom, the prosecution should have filed the aforesaid annexes on December 9, 2024.³ Despite notice, however, the prosecution has failed to comply with the same.⁴

With that, the Court shall now determine whether there is existence of reasonable certainty of conviction based on the documents submitted.

¹ Records Verification dated September 25, 2024, Docket, p. 168.

² Notice of Resolution dated November 18, 2024, Docket, p. 173.

³ Considering December 7, 2024 fell on Saturday, the next business day is December 9, 2024.

⁴ Records Verification dated January 8, 2025, Docket.

Pursuant to Section 4 of Rule 9 of the 2005 Revised Rules of the Court of Tax Appeals (RRCTA), as amended,⁵ the Court shall determine the existence or non-existence of probable cause.

Corollary thereto, the prosecution submitted the original/certified true copies of the following supporting documents for the examination of the Court:

1. Resolution dated June 28, 2022 signed by Assistant State Prosecutors Agnes Farida S. Bagaforo-Arellano II and Christine Fatima V. Estepa, recommended by Senior Deputy State Prosecutor Miguel F. Gudio, Jr., and approved by Prosecutor General Benedicto A. Malcontento;
2. Investigation Data Form XVI-INV-15J-00377 dated October 9, 2015;
3. Referral for Preliminary Investigation dated October 9, 2015, signed by Commissioner Alberto D. Lina of the Bureau of Customs; and,
4. Complaint-Affidavit of Alexander D.G. Ugay and Doy O. De Castro, members of the Enforcement and Security Services of the Enforcement Group of the Bureau of Customs, without any attached annexes.

Enshrined in Section 2, Article III⁶ of our Constitution is the inviolable right of the people to be secured in their persons, properties and effects against unreasonable searches and seizures and that no search warrant or warrant of arrest shall issue except upon finding of probable cause.

Upon filing of an information in court, trial court judges⁷ must determine the existence or non-existence of probable cause based on their

⁵ SEC. 4. *Warrant of arrest.* – Within ten days from the filing of the information, the Division of the Court to which the case was raffled shall evaluate the resolution of the public prosecutor and its supporting evidence. The Division may immediately dismiss the case if it finds that the evidence on record clearly fails to establish probable cause. If the Division finds probable cause, it shall issue a warrant of arrest signed by the Chairman of the Division. In case of doubt on the existence of probable cause, the Division may order the prosecutor to present additional evidence, *ex parte*, within five days from notice.

⁶ *Section 2.* The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

⁷ In this case, Justices.

personal evaluation of the prosecutor's report and its supporting documents. They may dismiss the case, issue an arrest warrant, or require the submission of additional evidence.⁸

Probable cause for the purpose of issuing a warrant of arrest pertains to facts and circumstances which would lead a reasonably discreet and prudent person to believe that an offense has been committed by the person sought to be arrested.⁹

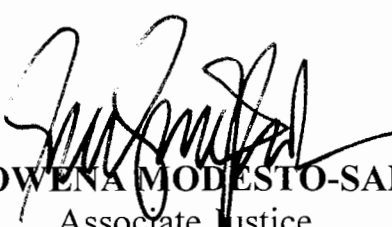
After a careful consideration of the allegations in the Information and personally examining and evaluating the supporting documents submitted, without the annexes directed by the Court to be submitted by the prosecution, the Court finds the supporting documents on record insufficient to establish a *prima facie* case against the accused.

Considering the foregoing, the Court finds no necessity to discuss the merit of the *Motion to Dismiss (on the ground of Inordinate Delay)* filed by accused Mermelinda, as well as the submitted soft copy of the *Entry of Appearance* of her counsel.

WHEREFORE, premises considered, the instant *Information* is **DISMISSED without prejudice**.

SO ORDERED.

MA. BELEN M. RINGPIS-LIBAN
Associate Justice



MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice



CORAZON G. FERRER-FLORES
Associate Justice

⁸ *Maza vs. Turla*, G.R. No. 187094, 15 February 2017.

⁹ *Relampagos vs. Sandiganbayan (Second Division)*, G.R. No. 235480, 27 January 2021.