

SECOND DIVISION

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 Building, National Highway,
 Canlalay, Biñan City, Laguna or 2915
 Calia Street, Elvinda Village, San
 Pedro City, Laguna)

Members:

**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.

X - - - - - X

RESOLUTION

In the Resolution dated August 30, 2024, the Court directed the prosecution to submit the annexes referred to in the Complaint-Affidavit of Mr. Alexander D.G. Ugay and Mr. Doy O. De Castro within five (5) days from notice.¹

Subsequently, Legaspina Uayan Josol Alparaque (Alparaque) filed a *Formal Entry of Appearance* on September 20, 2024 allegedly for accused Mermelinda C. Dela Cruz (accused Dela Cruz).

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

¹ Docket, pp. 71 to 73.

However, the *Formal Entry of Appearance* was deemed not filed for failure to email its pdf copy pursuant to the *En Banc* Resolution No. 8-2024.²

It is worthy to note that the *Formal Entry of Appearance* has no confirmation of accused Dela Cruz and she is still at-large.

Considering the foregoing, the Court is constrained not to act on the *Motion to Dismiss (on the ground of Inordinate Delay)*.

On September 24, 2024,³ the prosecution received the Resolution dated August 30, 2024. Counting five days therefrom, the prosecution should have filed the subject annexes on September 30, 2024.⁴ Despite notice, the prosecution failed to comply with the said Resolution.⁵

Based on the foregoing, the Court finds the supporting documents on record insufficient to establish probable cause.

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

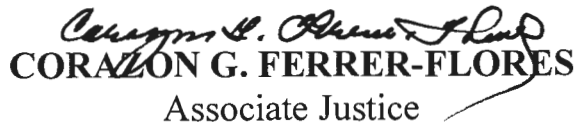
SO ORDERED.



MA. BELEN M. RINGPIS-LIBAN
Associate Justice



MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice



CORAZON G. FERRER-FLORES
Associate Justice

² Minute Resolution dated November 12, 2024, Docket.

³ Notice of Resolution dated August 30, 2024, Docket, p. 70.

⁴ Considering September 29, 2024 fell on Sunday, the next business day is September 30, 2024.

⁵ Records Verification dated October 1, 2024, Docket.