

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

Third Division

UNIVERSAL PACIFIC FOOD
CORPORATION,

Petitioner,

CTA CASE NO. 9151

Members:

- versus -

UY, *Chairperson,*
RINGPIS-LIBAN, *and*
MODESTO-SAN PEDRO, *II.*

COMMISSIONER OF
CUSTOMS, BUREAU OF
CUSTOMS,

Respondents.

Promulgated:

MAY 19 2021

1:52 p.m.

x ----- x

RESOLUTION

RINGPIS-LIBAN, I.:

Submitted before this Court are Respondents' **Motion for Reconsideration** filed through registered mail on December 9, 2020 and received by the Court on January 4, 2021, with Petitioner's **Comment Opposition**, filed via *email* on December 22, 2020.

On November 11, 2020, the Court promulgated an Amended Decision giving due course to the Petition for Review and finding that petitioner is not required to secure an import permit for its rice importations by virtue of the *General Agreement on Tariffs and Trade-World Trade Organization (GATT-WTO) Agreement*, the dispositive portion of which is quoted hereafter as follows:

“**WHEREFORE**, premises considered, Petitioner's Motion for Reconsideration is **GRANTED** and its Petition for Review is **GIVEN DUE COURSE**. The dispositive portion of the Decision dated August 31, 2018 is hereby **AMENDED** to read, as follows:

‘**WHEREFORE**, the instant Petition for Review is **GRANTED**. The Decision of the Commissioner of Customs dated August 12, 2015 anent Petitioner's rice shipment, covered by Bill of Lading No. EGLV050300766382A is hereby **REVERSED** and

SET ASIDE. Considering that Petitioner's rice shipments have already been auctioned, Respondents are hereby **ORDERED TO RELEASE** to Petitioner, the proceeds of the auction sale held last January 21, 2015 in the amount of ₱2,693,000.00, which are presently held in trust by Respondents, less the applicable ordinary duties, taxes, penalties, government fees and assessments, that may be assessed over the subject importation.

SO ORDERED.'

SO ORDERED."

In their Motion, Respondents insist that the Petition for Review was indeed filed out of time. Respondents claim that the evidence on record shows that Petitioner received a copy of the Decision of Respondent Commissioner of Customs (COC) on August 19, 2015. Respondents argue that by admitting, in the course of the proceedings, through the Petition for Review and Joint Stipulation of Facts that it received Respondent COC's Decision on August 19, 2015, Petitioner is bound by its statement as a judicial admission. Incidentally, Respondents point out that a judicial admission does not require proof, and that the same may be contradicted only by showing that it was made through palpable mistake.

Moreover, Respondents aver that Petitioner's subsequent presentation of evidence to show that it received a copy of the Decision on August 25, 2015 does not render false the judicial admission already made on record. They posit that based on the admission and evidence on record, it is apparent that it received two (2) copies of the assailed Decision; *i.e.*, one on August 19, 2015 and the other on August 25, 2015. Respondents assert that although Petitioner's counsel pleads inadvertence, the reasons or circumstances for this inadvertence were however not explained, neither did it proffer any explanation as to the belated correction of such imputed error.

Again, Respondents claim that the belated filing of the Petition for Review can no longer be entertained. They maintain that they have already acquired vested right in the effects of the finality of Decision and further point out that in several cases, the Supreme Court has held that while a losing party has the right to appeal, the winning party has the corresponding right to enjoy the finality of the decision when no proper appeal has been taken. Thus, Respondents pray that the Amended Decision be reconsidered and set aside, and that the Decision dated August 31, 2018 which dismissed the Petition for lack of jurisdiction be reinstated.

On the other hand, in its Comment, Petitioner argues that Respondents' Motion must be denied for utter lack of merit. Petitioner asserts that the same



did not allege any new arguments which would merit a reversal of the Amended Decision. It maintains that it received Respondent COC's Decision on August 25, 2015 and not on August 19, 2015. Petitioner reiterates that the date "August 19, 2015" which appeared in subsequent pleadings as the date of receipt was simply made due to inadvertence. Petitioner further avers that a procedural oversight must give way to substantial justice and that a case must be tried on its merits instead of sheer technicalities in order for the parties to properly ventilate their case in a full-blown trial.

Lastly, petitioner contends that Respondent failed to refute the documents and evidence it submitted to establish clearly and convincingly that the date August 19, 2015 could not have been the date it received the COC's Decision due to the physical impossibility of it.

This Court finds Respondents' Motion for Reconsideration bereft of merit. Notably, the arguments presented by Respondent are essentially a mere rehash of what have already been considered, weighed and resolved by the Court in the assailed Amended Decision.

Indeed, basic is the rule in evidence that the burden of proof lies upon him who asserts it, not upon him who denies, since, by the nature of things, he who denies a fact cannot produce any proof of it.¹ Bare allegations which are not supported by any evidence, documentary or otherwise, sufficient to support a claim, fall short to satisfy the degree of proof needed.² However, it is also provided that an admission, verbal or written, made by a party in the course of proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.³

In the case of *Heirs of Pedro Clemenña Y Zurbano v. Heirs of Irene B. Bien*,⁴ the Supreme Court held that a judicial admission conclusively binds the party making it. He cannot thereafter contradict it. The exception is found only in those rare instances when the trial court, in the **exercise of its discretion** and **because of strong reasons to support its stand**, may relieve a party from the consequences of his admission.

Applying the foregoing in the present case, while it is true that the date "August 19, 2015" was repeatedly stated in the Petition for Review, Pre-Trial Brief, and Joint Stipulation of Facts and Issues, as well as in the Pre-Trial Order, Petitioner manifests that it was only a mere typographical error committed. To prove its assertion, Petitioner offered in evidence a Notice showing that respondent COC's Decision was mailed by the Bureau of Customs (BOC) in the

¹ *MOF Company, Inc. v. Shin Yang Brokerage Corporation*, G.R. No. 172822, December 18, 2009.

² *LNS International Manpower Services v. Armando C. Padua, Jr.*, G.R. No. 179792, March 5, 2010.

³ Section 4, Rule 129 of the Rules of Court.

⁴ G.R. No. 155508, September 11, 2006.

Central Post Office of Manila on August 19, 2015; Petitioner likewise offered the Mailing Envelope with stamped registered mail matter dispatched by the Central Post Office of Manila and served to Petitioner on August 25, 2015. In fact, the BOC records that was certified and elevated to this Court confirms that “August 19, 2015” was the date when the Decision was received by the Central Post Office of Manila–Receiving Unit.

Furthermore, Respondents failed to offer any evidence to substantiate their allegation that Petitioner received two (2) copies of the assailed Decision on separate occasions; *i.e.*, one on August 19, 2015 and the other was on August 25, 2015. Hence, considering the circumstances presented, to this Court gives credence to Petitioner’s claim that Respondent COC’s Decision was indeed received on August 25, 2015. Consequently, the Petition is deemed timely filed.

As to Respondents’ argument that the belated filing of the Petition for Review can no longer be entertained since Respondents claim to already have acquired vested right in the effects of the finality of the Decision, this Court does not agree.

With emphasis, the operative word in Respondents’ argument is **finality**. Perforce, well-settled is the rule that a judgment that has acquired finality “becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land.”⁵ It is only after the judgment attained finality that the winning party acquires vested rights over the winning party.

In the present case, there is no finality of decision to speak of. In fact, had it not been for the Court’s Decision dated August 31, 2018, which discussed the issue of the Petition for Review’s belated filing, Respondents would not have raised the same based on their Answer filed through registered mail on January 14, 2016, and Memorandum filed through registered mail on August 14, 2017.

In any case, it bears stressing that the rules of procedure are merely tools designed to facilitate the attainment of justice. In rendering justice, courts have always been, as they ought to be, conscientiously guided by the norm that on the balance, technicalities take a backseat against substantive rights, and not the other way around. Thus, if the application of the Rules would tend to frustrate rather than promote justice, it is always within the power of the Court to suspend the rules, or except a particular case from its operation.⁶

And, considering that that proceedings before this Court are not governed strictly by the technical rules of evidence as provided under Section 8 of Republic

⁵ *Spouses Jorge Navarra and Carmelita Navarra v. Yolanda Liongson*, G.R. No. 217930, April 13, 2016.

⁶ *Spouses Obdulia H. Espejo and Hildelberto T. Espejo v. Coloma Ito*, G.R. No. 176511, August 4, 2009.

Act (RA) No. 1125, as amended, it is a far better and more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal to attain the ends of justice rather than dispose of the case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.⁷

In view of the foregoing discussions, this Court finds that no new or substantial matter was raised in the present Motion to justify the reversal or modification of the Amended Decision assailed by Respondents.

WHEREFORE, premises considered, Respondents' Motion for Reconsideration is **DENIED** for lack of merit.

SO ORDERED.

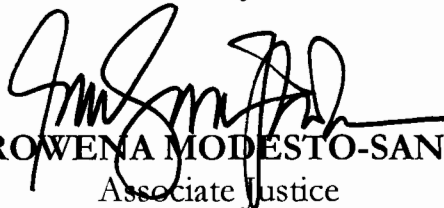


MA. BELEN M. RINGPIS-LIBAN
Associate Justice

WE CONCUR:



ERLINDA P. UY
Associate Justice



MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

⁷ *Paz Reyes Aguam v. Court of Appeals, et al.*, G.R. No. 137672, May 31, 2000.