REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

C.T.A. CRIM CASE NO. 0-022

-versus-

Members:

ACOSTA, *PJ*, Chairman
BAUTISTA, and
CASANOVA, *JJ.*

BERNADETTE PRADO
1627 Blumentritt Street
Sta. Cruz, Manila,
Accused.

Promulgated:
JUL 27 2006

x--x

RESOLUTION

On May 26, 2006, the Assistant City Prosecutor Alexander P. Ramos filed an Information before the First Division against Bernadette Prado, being the responsible officer of Astrogen Pawnshop Incorporated, for alleged violation of Section 255 in relation to Sections 253(d) and 256 of the 1997 National Internal Revenue Code.

After a careful consideration of the allegations in the Information and personally evaluating the supporting evidence attached to the record, and considering further the failure of the Plaintiff to comply with this Court's Resolution promulgated on June 2, 2006 and finding no approval of the Commissioner of Internal Revenue for the institution of a criminal complaint, this Court hereby resolves to **DISMISS** the Information for want of the approval from the Commissioner of Internal Revenue pursuant to Sections 220 and 221 of the 1997 National Internal Revenue Code (NIRC).

The provisions of Sections 220 and 221 of the NIRC, quoted hereunder, are clear and need no interpretation:

> *"SEC. 220. Form and Mode of Proceeding in Actions Arising under this Code. – Civil and criminal actions and proceedings instituted in behalf of the Government under the authority of this Code or other law enforced by the Bureau of Internal Revenue shall be brought in the name of the Government of the Philippines and shall be conducted by legal officers of the Bureau of Internal Revenue but no civil or criminal action for the recovery of taxes or the enforcement of any fine, penalty or forfeiture under this Code shall be filed in court without the approval of the Commissioner.*
>
> *SEC. 221. Remedy for Enforcement of Statutory Penal Provisions.- The remedy for enforcement of statutory penalties of all sorts shall be by criminal or civil action, as the particular situation may require, subject to the approval of the Commissioner.*

WHEREFORE, the Information is hereby **DISMISSED** for violation of the provisions of Sections 220 and 221 of the NIRC without prejudice to the re-filing of the same should the proper approval of the Commissioner of Internal Revenue be submitted by the Plaintiff.

SO ORDERED.

ERNESTO D. ACOSTA
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice