Republic of the Philippines
COURT OF TAX APPEALS
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

WILFREDO ONG LAPUZ,
Room 232, Champ Building, Anda Circle, Brgy. 650, Zone 068, Port Area, Manila,
Accused.

CTA Crim. Case No. 0-519
(I.S. No. XVI-INV-12E-00282)
For: Violation of Section 2503 in relation to Section 2530 of the TCCP, as amended; and, in further relation to Section 6 of R.A. 7183

Members:
CASTAÑEDA, JR., *Chairperson*
CASANOVA, *and*
COTANGCO-MANALASTAS, *J.J.*

Promulgated:
AUG 03 2015
1:50 p.m.

x- -x

RESOLUTION

On July 14, 2015, an Information[1] was filed before this Court by Assistant State Prosecutor Rohairah A. Lao, against herein accused, **WILFREDO ONG LAPUZ,** for alleged violation of Section 2503 in relation to Section 2530 of the Tariff and Customs Code of the Philippines (TCCP), as amended, and, in further relation to Section 6 of Republic Act (RA) No. 7183, otherwise known as "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and other Pyrotechnic Devices". The accusatory portion of the Information reads:

> "That sometime in November 2011, in Manila City, and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously MISDECLARE and IMPORT into the Philippine jurisdiction four container vans said to contain **'Switch and Faucets, Tissue Papers and Shower Curtains'** consigned to GRINDSTONE, owned and operated by accused Wilfredo Ong Lapuz, but when said container vans were subjected to 100% physical examination by the Bureau of Customs, the same were found to contain **'Firecrackers',** a prohibited article under Section 101 of the Tariff and Customs Code of the Philippines,

[1] Docket, pp. 6-7.

as amended, with estimated market value of **Forty Million Pesos (PhP40,000,000.00)** in violation of Section 2503 in relation to Section 2530 of the Tariff and Customs Code of the Philippines, and in further relation to Section 6 of Republic Act 783, to the damage and prejudice of the Government.

CONTRARY TO LAW."

After a careful and thorough evaluation and consideration of the records of the case, this Court finds that it has no jurisdiction over the instant case.

The Court of Tax Appeals, being a court of special jurisdiction can only take cognizance of such matters as are clearly within its jurisdiction.

Section 7 (b) of RA No. 1125, as amended by RA Nos. 9282 and 9503, limited the jurisdiction of this Court over cases involving criminal offenses to the following:

> "SEC. 7. Jurisdiction. — The CTA shall exercise:
>
> (a) x x x
>
> (b) Jurisdiction over cases involving criminal offenses as herein provided:
>
> (1) **Exclusive original jurisdiction over all criminal offenses arising from violations** of the National Internal Revenue Code or **Tariff and Customs Code** and other laws administered by the Bureau of Internal Revenue and the Bureau of Customs: **Provided, however, That offenses or felonies mentioned in this paragraph where the principal amount of taxes and fees, exclusive of charges and penalties, claimed is less than One million pesos (P1,000,000.00) or where there is no specified amount claimed shall be tried by the regular Courts** and the jurisdiction of the CTA shall be appellate. . . . ." (Emphases supplied)

Corollary thereto, Section3, Rule 4 of the Revised Rules of the Court of Tax Appeals (RRCTA) specifically enumerated the cases that fall within the jurisdiction of the CTA Division, to wit:

"RULE 4
JURISDICTION OF THE COURT

SEC. 3. Cases within the jurisdiction of the Court in Division. — The Court in Division shall exercise:

a) x x x

b) Exclusive jurisdiction over cases involving criminal offenses, to wit:

(1) **Original jurisdiction over all criminal offenses arising from violations** of the National Internal Revenue Code or **Tariff and Customs Code** and other laws administered by the Bureau of Internal Revenue or the Bureau of Customs, **where the principal amount of taxes and fees, exclusive of charges and penalties, claimed is one million pesos or more**; and

It is explicitly provided under Section 7 of RA No. 1125, as amended, that the jurisdiction over criminal offenses committed in violation of the Tariff and Customs Code where no specified amount of taxes and fees are being claimed against the accused is vested with the regular courts, and the jurisdiction of this Court shall be appellate only.[2]

In the case at bench, the Information filed against accused reveals that no specific amount of taxes and fees are being claimed. In fact, the only amount that appears therein was PhP40,000,000.00, which was the estimated market value of firecrackers. Thus, it should be the regular courts and not the Court of Tax Appeals that should assume jurisdiction over this case pursuant to the provision of Section 7 of RA No. 1125, as amended.

WHEREFORE, premises considered, the instant criminal case case is hereby **DISMISSED** for lack of jurisdiction.

SO ORDERED.

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

[2] People of the Philippines vs. John Does alias Teofilo G. Navarro and Alias Bonifacio Bernardo and Abraham P. Mencias, Jr., CTA Crim. Case No. A-3, September 23, 2013.

CAESAR A. CASANOVA
Associate Justice

AMELIA R. COTANGCO-MANALASTAS
Associate Justice