24-000337-0008

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

CTA CRIM CASE NO. A-24

BUREAU OF INTERNAL REVENUE REVENUE REGION No.1 Calasiao, Pangasinan,
Petitioner,

- versus -

MARILOU AQUINO GO,
Respondent.

NOTICE OF DECISION

To:

ATTY. MARJO MARIE B. SISON-TILDE
ATTY. RHONA B. CACANINDIN
Bureau of Internal Revenue - Revenue Region No. 1
BIR Building, Mc Arthur Highway
Calasiao, Pangasinan

MARILOU AQUINO GO
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HON. ETHELWOLDA A. JARAVATA
Presiding Judge
Thru: Branch Clerk of Court
Regional Trial Court
First Judicial Region
Branch 32
Agoo, La Union

GREETINGS:

You are hereby notified by these presents that on **October 31, 2024,**a Decision was rendered in the above-entitled case, copy of which is attached hereto.

Quezon City, Philippines, **November 4, 2024.**

Atty. Maria Johoanna F. Chan-Te
Executive Clerk of Court II

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
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FIRST DIVISION

BUREAU OF INTERNAL REVENUE REGION NO. 1, Calasiao, Pangasinan,
Petitioner,

-versus-

MARILOU AQUINO GO,
Respondent.

CTA CRIM. CASE NO. A-24
(Criminal Case No. A-9135)

Members:

DEL ROSARIO, *P.J., Chairperson,*
BACORRO-VILLENA, *and*
CUI-DAVID, *JJ.*

Promulgated:

OCT 31 2024 9:10 am

x- x

DECISION

CUI-DAVID, J.:

Before the Court is a *Petition for Review*[1] filed by petitioner Bureau of Internal Revenue, Revenue Region No.1 to assail the Order dated June 6, 2024[2] (assailed Order) issued by the Regional Trial Court (RTC) of Agoo, La Union, Branch 32 (court *a quo*) in the case of *People of the Philippines v. Marilou Aquino Go*, docketed as Criminal Case No. A-9135. The dispositive portion of the assailed Order reads:

Order dated June 6, 2024:

> ALL TOLD, the above-entitled Case is hereby **DISMISSED** for lack of jurisdiction.
>
> Let the bail previously posted for Accused MARILOU AQUINO GO for her temporary liberty in the form of CASH BAIL in the amount of Fifty Thousand Pesos (₱50,000.00) under O.R. No. 9336 788C dated February 28, 2023 paid by RACHELLE C. CACAO, be **CANCELLED** and **RELEASED** to the named payor.

[1] Docket, pp. 5–12.
[2] Docket, p. 74.

> The Officer-In-Charge is, likewise, directed to **RECALL** from the law enforcement agencies, all the Warrants of Arrest issued relative to the above-entitled Case, if the same have not yet been returned.
>
> SO ORDERED.

THE FACTS

On July 28, 2022, an Information[3] was filed with the RTC of Agoo, La Union, charging respondent Marilou Aquino-Go (respondent) with willful failure to pay value-added tax under Section 255 of the National Internal Revenue Code (NIRC) of 1997, as amended, allegedly committed as follows:

> That sometime in the year 2017, and thereafter, in the Municipality of Agoo, Province of La Union, and within the jurisdiction of this Honorable Court, the above-named accused, being the owner/proprietor of Sealand Trading with registered address at #22 Aspiras Hi-Way, San Agustin East, Agoo, La Union and registered TIN 160-091-158-000, a business/industry required to pay Value Added Tax, did then and there willfully, unlawfully and deliberately refuse, fail, and still continue to refuse and fail to pay Value Added Tax (VAT), despite repeated demands, assessed at Php 84,026.22 for taxable year 2016, as required by the law.
>
> Contrary to law.

On August 8, 2022, the case was raffled to the court *a quo*.[4]

After conducting a judicial determination of probable cause, the court *a quo* issued a Warrant of Arrest against respondent on August 10, 2022.[5]

On December 19, 2022, the case was archived because respondent remained at large for four (4) months following the notice of the Warrant of Arrest to law enforcement agencies.[6]

On February 28, 2023, the court *a quo* revived the case on the ground that respondent had been placed under the custody of the law.[7]

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[3] RTC Records, pp. 1-4.
[4] Order, RTC Records, p. 6.
[5] *Id.*, p. 6.
[6] Order, RTC Records, p. 11.
[7] Order, RTC Records, p. 18.

On March 29, 2023, respondent was arraigned and pleaded "NOT GUILTY". The court *a quo* reset the pre-trial conference on April 26, 2023.[8]

After several postponements, the pre-trial conference was held on September 13, 2023, during which the following admissions and stipulations were made:[9]

1. That [respondent] is the same person named in the Information and was arraigned in open Court;
2. The territorial jurisdiction of the Honorable Court over the place subject matter [*sic*] of this Case.

Trial proceeded.

Petitioner presented its witnesses, Revenue Officers Maria Judiela Roaquin,[10] May Caberto,[11] and Diana Diaz.[12]

During the continuation of the trial on April 25, 2024, the court *a quo* called the attention of the parties' counsels to jurisdictional issues *vis-à-vis* a Joint Resolution issued by the court *a quo* in a similar case, which was applicable in this case. Preliminary arguments were heard, and the parties' counsels requested time to file their respective position papers within ten (10) days.[13]

The court *a quo* received respondent's *Position Paper*[14] and *Position Paper for the [Petitioner]*[15] on May 3, 2024 and May 6, 2024, respectively.

On June 6, 2024, the court *a quo* issued the assailed Order in open court.[16]

Aggrieved, petitioner filed the instant Petition for Review[17] via registered mail on June 21, 2024, which this Court received on June 27, 2024.

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[8] Order, RTC Records, p. 33.
[9] Pre-Trial Order, RTC Records, pp. 47-50.
[10] Order, RTC Records, p. 58.
[11] Order, RTC Records, p. 61.
[12] Order, RTC Records, pp. 68 & 76.
[13] Order, RTC Records, p. 82.
[14] RTC Records, pp. 87-90.
[15] RTC Records, pp. 91-93.
[16] RTC Records, pp. 95-105.
[17] Docket, pp. 75-84.

On July 26, 2024, respondent filed a *Comment/Opposition (To Petitioner's Petition for Review dated 20 June 2024)* through registered mail.[18]

On September 5, 2024, the Court received the RTC Records, comprising five (5) folders: (i) the main records, consisting of 127 pages; (ii) the original Transcript of Stenographic Notes (TSN), consisting of 69 pages; and (iii) three (3) duplicate copies of the TSN, each consisting of 69 pages.[19]

On September 13, 2024, the Court submitted the case for decision.[20]

THE ISSUES

Petitioner presents the following issues for the Court's resolution:[21]

> I. Whether or not the First Level Courts have jurisdiction over violations of Section 255 of the 1997 National Internal Revenue Code, as amended, considering that the imposable penalty therefor is imprisonment of not less than one (1) year but not more than ten (10) years; and,
>
> II. Whether or not the ruling of the Supreme Court in the case of People v. Mendez applies in the case filed by BIR-RR1 against Ms. Marilou Aquino Go.

Petitioner contends that this case was properly filed before the court *a quo* based on Section 2 of Republic Act (RA) No. 7691,[22] which amends Batas Pambansa (BP) Blg. 129.[23] Under the rules, the RTC has exclusive original jurisdiction in criminal cases where the imposable penalty of imprisonment exceeds six (6) years, regardless of the amount of imposable penalties and civil liabilities. Petitioner maintains that the jurisdiction of the Municipal Trial Courts (MTCs) in criminal cases is limited to those where the imposable penalty does not exceed six (6) years.

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[18] Docket, pp. 27-38.
[19] Docket, pp. 42-50.
[20] Notice, Docket, p. 51.
[21] Statement of the Issue, Appellant's Brief, Docket, p. 107.
[22] AN ACT EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980", March 25, 1994.
[23] AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES, August 14, 1981.

Petitioner further contends that *People v. Mendez* (*Mendez*) [24] is inapplicable to this case because it was promulgated on March 28, 2023, while the Information was filed with the court *a quo* on July 28, 2022. Petitioner adds that the amendments under RA No. 11576,[25] as applied in *Mendez,* do not apply to this case, as they address the jurisdiction of the lower courts in civil cases.

Petitioner insists that the applicable law for determining jurisdiction in this case is BP Blg. 129, as amended, in relation to RA No. 9282. Since the imposable penalty for violation of Section 255 of the Tax Code is imprisonment for not less than one (1) year and not more than ten (10) years, jurisdiction remains with the RTC, as the first-level courts lack the authority to impose penalties exceeding what is allowed under the rules.

In contrast, respondent argues that between BP Blg. 129, as amended, and RA No. 1125, as amended, the latter law prevails in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties imposed in relation thereto, or other matters arising under the Tax Code. Respondent avers that the *Mendez* case clarified that the MTCs have exclusive original jurisdiction over tax collection cases involving amounts less than one million pesos and that the RTCs have exclusive appellate jurisdiction over these cases originally decided by the first-level courts. Respondent points out that the Supreme Court also emphasized in *Mendez* that this clarification applies to cases filed after the effectivity of RA No. 11576 on August 21, 2021, since jurisdiction over the subject matter in criminal cases is determined by the statute in force at the time of the commencement of the action. Respondent concludes that RA No. 11576 was already in force when the case was filed on July 28, 2022; thus, this case should have been filed with the first-level court.

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24 G.R. Nos. 208310-11 & 208662, March 28, 2023.

25 AN ACT FURTHER EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, July 30, 2021.

THE COURT'S RULING

The Court lacks jurisdiction over the instant case.

This Court must first determine whether it has jurisdiction over the appeal.

Section 7(b)(2)[26] of RA No. 1125, as amended by RA No. 9282, provides for the exclusive appellate jurisdiction of the Court of Tax Appeals (CTA) in criminal cases originally decided by the RTC. Relatedly, Section 3(b)(2), Rule 4 of the Revised Rules of the Court of Tax Appeals (RRCTA),[27] as amended, provides that the Court in Division exercises exclusive appellate jurisdiction over criminal cases decided by the RTC in their original jurisdiction involving offenses under tax laws.

Under Section 9(a), Rule 9[28] of the RRCTA, an appeal in criminal cases decided by the RTC in the exercise of its original jurisdiction must be taken by filing a *notice of appeal* under Sections 3(a) and 6, Rule 122 of the Rules of Court within 15 days from receipt of a copy of the decision or final order with the RTC that rendered the judgment or order being appealed, and by serving a copy on the adverse party, which provide:

> SEC. 3. *How appeal taken.* —
>
> (a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be taken by **filing a notice of appeal with the court which rendered the judgment or final order appealed from** and by serving a copy thereof upon the adverse party.

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26 SEC. 7. *Jurisdiction.* — **The CTA shall exercise:** ...
(b) Jurisdiction over cases involving criminal offenses as herein provided: ...
(2) **Exclusive appellate jurisdiction in criminal offenses:**
a. **Over appeals from the** judgments, resolutions or **orders of the Regional Trial Courts in tax cases originally decided by them**, in their respective territorial jurisdiction. [*Emphasis supplied*]

27 SEC. 3. *Cases within the jurisdiction of the Court in Division.* — **The Court in Division shall exercise:** ...
(b) **Exclusive** jurisdiction over cases involving criminal offenses, to wit: ...
(2) **Appellate jurisdiction over appeals from** the judgments, resolutions or **orders of the Regional Trial Courts in their original jurisdiction in criminal offenses arising from violations of the National Internal Revenue Code** ... and other laws administered by the Bureau of Internal Revenue ... , where the principal amount of taxes and fees, exclusive of charges and penalties, claimed is less than one million pesos or where there is no specified amount claimed; [*Emphasis supplied*]

28 SEC. 9. *Appeal; period to appeal.* (a) **An appeal to the Court in criminal cases decided by a Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal pursuant to Sections 3(a) and 6, Rule 122 of the Rules of Court within fifteen days from receipt of a copy of the** decision or **final order with the court which rendered the final judgment or order appealed from and by serving a copy upon the adverse party.** The Court in Division shall act on the appeal.

> SEC. 6 *When appeal to be taken.* — An appeal must be taken within fifteen (15) days from promulgation of the judgment or from notice of the final order appealed from. ... [*Emphasis supplied*]

Petitioner claims to have received the assailed Order in open court on June 6, 2024. Under Sections 3(a) and 6, Rule 122 above, it had 15 days from that date, or until June 21, 2024, to file a *notice of appeal.* However, instead of filing a *notice of appeal* with the court *a quo*, petitioner filed this *Petition for Review* with the Court on June 21, 2024.

Time and again, the Supreme Court has emphasized that the right to appeal is a statutory right; and any person who seeks to make use of it must comply with the rules for its perfection. Consequently, *an appeal must be made in the manner and within the period set by law to do so.*[29]

Petitioner's failure to file a *notice of appeal* resulted in the non- perfection of its appeal. As such, the court a quo's Order dismissing petitioner's case became final and executory.

Once a decision has become final and executory, the Court loses jurisdiction over the case, and not even an appellate court possesses the power to review a judgment that has acquired finality.[30]

Nonetheless, even if the Court treats the instant petition as one under Sections 3(a) and 6, Rule 122 of the Rules of Court, it must still be denied for lack of merit, as there is no showing that the court *a quo* erred in dismissing the case for lack of jurisdiction.

The court a quo lacks jurisdiction over the subject matter of the case.

Even if this Court has jurisdiction over this case and considers the present *Petition for Review* a proper remedy, it

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29 *Oliveros, et al. v. The Hon. Court of Appeals,* G.R. No. 240084, September 16, 2020; *Albor v. Court of Appeals, et al.*, G.R. No. 196598, January 17, 2018; *China Banking Corporation v. City Treasurer of Manila*, G.R. No. 204117, July 1, 2015; *De Leon v. Hercules Agro Industrial Corporation*, G.R. No. 183239, June 2, 2014; *Boardwalk Business Ventures, Inc. v. Villareal*, G.R. No. 181182, April 10, 2013; *Spouses Lebin v. Mirasol, et al.*, G.R. No. 164255, September 7, 2011.

30 *Seven Brothers Shipping Corporation v. Oriental Assurance Corporation*, G.R. No. 140613, October 15, 2002, citing *Lim v. Jabalde*, G.R. No. L-36786 April 17, 1989.

must still be denied because the Information was not filed with a court of competent jurisdiction.

In its assailed Order, the court *a quo* relied on RA No. 11576 and *Mendez* in dismissing the case on the ground of lack of jurisdiction, *viz.*:

> The above-entitled Case was filed on July 28, 2022, or after the effectivity of R.A. No. 11576 took effect on August 21, 2021 per OCA Circular No. 115-2021; thus, the applicability of the above-recent ruling to the above-entitled Case.
>
> The ACCUSED was charged for [*sic*] a Criminal Offense where the principal amount of taxes claimed by the BIR is ₱84,026.22, which is less than ₱1,000,000.00. Based from the recent instructive pronouncement of the highest tribunal, the Information should be filed before the First Level Court. [*Emphases omitted*][31]

Petitioner counters that a violation of Section 255 of the NIRC of 1997, as amended, carries a penalty of imprisonment of not less than one (1) year but not more than ten (10) years. Thus, petitioner argues that the court *a quo* has jurisdiction over this case since the jurisdiction of the MTCs is limited to offenses punishable by imprisonment not exceeding six (6) years, pursuant to Section 32[32] of BP Blg. 129, as amended by RA No. 7691.

Petitioner is mistaken.

Jurisdiction over the offense charged is conferred only by law and in the manner prescribed by law[33] and is determined by the allegations in the Complaint or Information.[34]

As applied in this case, jurisdiction over criminal tax cases has long been governed by a special law, specifically RA No. 9282, as amended, which is dependent on the principal amount

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31 Docket, p. 23.

32 SEC. 32. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases.* – Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

....

(2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.

33 *Gomez v. People*, G.R. No. 216824, November 10, 2020, citing *Cunanan v. Arceo*, G.R. No. 116615, March 1, 1995 and *United States v. Jayme*, GR No. 7802, January 16, 1913.

34 *People v. Mendez*, G.R. Nos. 208310-11 & 208662, March 28, 2023, citing *Nocum v. Tan*, G.R. No. 145022, September 23, 2005.

of taxes claimed. Section 7 (b)[35] of RA No. 9282 expressly states that offenses where the principal amount of taxes and fees, exclusive of charges and penalties, is less than ₱1,000,000.00 or where no specific amount is claimed, shall be tried by the regular courts.[36]

In relation to RA No. 7691, which increased the jurisdictional amounts in BP Blg. 129,[37] when the offenses or felonies where the principal amount of taxes and fees, exclusive of charges and penalties, is more than ₱300,000.00 (or ₱400,000.00 in Metro Manila) but is less than ₱1,000,000.00, or where there is no specified amount claimed, such cases shall be tried by the RTCs.[38] On the other hand, if the principal

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[35] SEC. 7. *Jurisdiction.* - The CTA shall exercise:

....

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 or 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 (₱1,000,000.00)** or **where there is no specified amount claimed shall be tried by the regular Courts** and the jurisdiction of the CTA shall be appellate. Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability for taxes and penalties shall at all times be simultaneously instituted with, and jointly determined in the same proceeding by the CTA, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filling of such civil action separately from the criminal action will be recognized.

2. Exclusive appellate jurisdiction in criminal offenses:

a. Over appeals from the judgments, resolutions or orders of the Regional Trial Courts in tax cases originally decided by them, in their respected territorial jurisdiction.

b. Over petitions for review of the judgments, resolutions or orders of the Regional Trial Courts in the exercise of their appellate jurisdiction over tax cases originally decided by the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in their respective jurisdiction. [*Emphasis supplied*]

[36] *Republic v. Asuncion*, G.R. No. 108208, March 11, 1994, cited in *Tomawis v. Balindong*, G.R. No. 182434, March 5, 2010, explained that "*[r]egular courts* are those within the judicial department of the government, namely, the Supreme Court and such lower courts as may be established by law. Per Section 16, Chapter 4, Book II of the Administrative Code of 1987, such lower courts 'include the Court of Appeals, Sandiganbayan, Court of Tax Appeals, Regional Trial Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Court, Municipal Circuit Trial Courts, and Shari'a Circuit Courts.'"

[37] BP Blg. 129, as amended by RA No. 7691, SEC. 19. *Jurisdiction in civil cases.* – Regional Trial Courts shall exercise exclusive original jurisdiction.

....

(8) In all other cases in which the demand, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs or the value of the property in controversy exceeds [Three Hundred Thousand Pesos (₱300,000.00) or, in such other cases in Metro Manila, where the demand exclusive of the abovementioned items exceeds [Four Hundred Thousand Pesos (₱400,000.00)].

SEC. 33. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases.* – Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise: (1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate, or amount of the demand does not exceed [Three Hundred Thousand Pesos (₱300,000.00)] or, in Metro Manila where such personal property, estate, or amount of the demand does not exceed [Four Hundred Thousand Pesos (₱400,000.00)], exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs, the amount of which must be specifically alleged: Provided, That interest, damages of whatever kind, attorney's fees, litigation expenses, and costs shall be included in the determination of the filing fees: Provided, further, That where there are several claims or causes of actions between the same or different parties, embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions;"

[38] *Id.*; SEC. 5. After five (5) years from the effectivity of this Act, the jurisdictional amounts mentioned in Sec. 19(3), (4), and (8); and Sec. 33(1) of Batas Pambansa Blg. 129 as amended by this Act, shall be adjusted to Two hundred thousand pesos (₱200,000.00). Five (5) years thereafter, such jurisdictional amounts shall be adjusted further to Three hundred thousand pesos (₱300,000.00): Provided, however, That in the case of Metro Manila, the abovementioned jurisdictional amounts shall be adjusted after five (5) years from the effectivity of this Act of Four hundred thousand pesos (₱400,000.00); *People v. Mendez*, G.R. Nos. 208310-11 & 208662, March 28, 2023.

amount of taxes claimed does not exceed ₱300,000.00 (or ₱400,000.00 in Metro Manila), the first-level courts have jurisdiction.[39]

Hence, based on the amount of the alleged deficiency tax in the Information, *i.e.*, ₱84,026.22, this case should have been filed with the first-level courts even prior to the enactment of RA No. 11576, which amended BP Blg. 29.

Even so, petitioner asserts that *Mendez*, which interpreted RA No. 11576, is inapplicable because it was promulgated after the Information was filed with the court *a quo* on July 28, 2022.

Petitioner's argument is flawed.

RA No. 11576, which increased the threshold amounts for cases falling within the exclusive original jurisdiction of the first and second-level courts, was already effective almost a year before the Information was filed with the court *a quo*. Thus, this law should be applied at the time of the commencement of the action.[40]

RA No. 11576 provides that the exclusive original jurisdiction over civil actions involving claims amounting to ₱2,000,000.00 and below lies with the first-level courts,[41] while claims exceeding ₱2,000,000.00 fall under the jurisdiction of the RTCs.[42]

Reading RA No. 11576, in relation to RA No. 9282, reveals an overlap of jurisdiction between the MTCs, RTCs, and the CTA, *i.e.*, both the MTCs and the CTA have exclusive and original jurisdiction over criminal offenses involving tax claims ranging from ₱1,000,000.00 to ₱2,000,000.00, while both the RTCs and the CTA have exclusive and original jurisdiction over criminal offenses involving tax claims exceeding ₱2,000,000.00.

In *Mendez*, the Supreme Court addressed the apparent conflict in jurisdiction by reconciling the provisions of RA No. 9282 and BP Blg. 129, as amended by RA No. 11576, to wit:

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39 *Id.*

40 See *De Villa v. Court of Appeals*, G.R. No. 87416, April 8, 1991, cited in *People v. Mendez*, G.R. Nos. 208310-11 & 208662, March 28, 2023, where the Supreme Court held that "[j]urisdiction over the subject matter is determined by the statute in force at the time of commencement of the action."

41 *People v. Mendez*, G.R. Nos. 208310-11 & 208662, March 28, 2023, citing BP Blg. 129, Sec. 33(1), as amended by RA No. 11576, Sec. 2.

42 *Id.*, citing BP Blg. 129, Sec. 19(8), as amended by RA No. 11576, Sec. 1.

(a) Exclusive original jurisdiction over tax collection cases involving ₱1,000,000.00 or more remains with the CTA;

(b) Exclusive original jurisdiction over tax collection cases involving less than ₱1,000,000.00 shall be exercised by the proper first-level courts;

(c) Exclusive appellate jurisdiction over tax collection cases originally decided by the first-level courts shall be exercised by the RTC;

(d) Exclusive original jurisdiction over criminal offenses or felonies where the principal amount of taxes and fees, exclusive of charges and penalties, claimed is ₱1,000,000.00 or more remains with the CTA;

(e) **Exclusive original jurisdiction over criminal offenses or felonies where the principal amount of taxes and fees, exclusive of charges and penalties, claimed is <u>less than ₱1,000,000.00</u> shall be exercised by the proper <u>first-level courts</u>**; and

(f) Exclusive appellate jurisdiction over criminal offenses or felonies originally decided by the first-level courts remains with the RTC. [*Emphasis supplied*]

The Supreme Court emphasized in *Mendez* that the foregoing clarification applies to cases filed after the effectivity of RA No. 11576 on August 21, 2021.[43]

Pursuant to *Mendez*, this case falls within the MTC's original jurisdiction since the Information charging respondent with a violation of the Tax Code for failure to pay VAT for the year 2017 was filed on July 28, 2022, which is after the effectivity of RA No. 11576. The Information also alleges that respondent's liability for deficiency VAT is only ₱84,026.22, exclusive of charges and penalties. Clearly, the first-level courts have jurisdiction over this case.

WHEREFORE, the instant *Petition for Review* is **DISMISSED** for lack of jurisdiction.

[43] OCA Circular No. 115-2021, "Re: Effectivity of Republic Act No. 11576."

SO ORDERED.

LANEE S. CUI-DAVID
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice