

**REPUBLIC OF THE PHILIPPINES  
COURT OF TAX APPEALS  
QUEZON CITY**

**THIRD DIVISION**

**PORT BARTON DEVELOPMENT  
CORPORATION,**

Petitioner,

**CTA CASE NO. 8490**

- versus -

**COMMISSIONER OF INTERNAL  
REVENUE,**

Respondent.

Members:

**BAUTISTA**, *Chairperson*,  
**FABON-VICTORINO**, *and*  
**RINGPIS-LIBAN**, *JJ.*

Promulgated:

**SEP 18 2013**

*Atty. Fumala 2:33 p.m.*

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**RESOLUTION**

When this case was called for pre-trial on September 5, 2013, Atty. Maryl Karren Ang G. Go for petitioner and Atty. Catherine N. Herrera for respondent, appeared.

Counsel for petitioner manifested that she has with her the judicial affidavits of petitioner's witnesses which she can submit today. However, since she received the documents from petitioner only two (2) days ago, she finished the marking only this morning but failed to reproduce sufficient copies for attachment to the affidavits. She then moved for five (5) days from today to submit copies of the documents identified in the judicial affidavits. Counsel for respondent manifested that she received a copy of petitioner's judicial affidavits this morning.

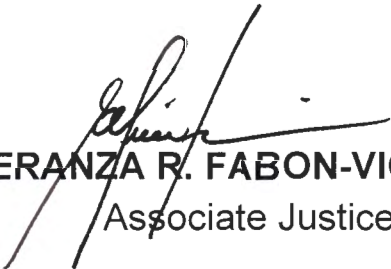
The Court noted that during the last hearing held on July 25, 2013, petitioner was ordered to file the judicial affidavits of its witnesses at least five (5) days before the pre-trial conference with warning to petitioner that should it again fail to proceed with the scheduled pre-trial conference, the case will be dismissed with prejudice. The submission of the judicial affidavit includes the attachments thereon.

**WHEREFORE**, for failure of petitioner to comply with the Order of the Court regarding the submission of the judicial affidavits of its witnesses at least five (5) days before the scheduled pre-trial conference, the above-captioned case is hereby **DISMISSED** without prejudice.

**SO ORDERED.**



**LOVELL R. BAUTISTA**  
Associate Justice



**ESPERANZA R. FABON-VICTORINO**  
Associate Justice



**MA. BELEN M. RINGPIS-LIBAN**  
Associate Justice