REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, *Plaintiff,*	**CTA Criminal Case No. O-300** (I.S. No. XVI-INV-11K-00449) For: Violation of Section 255 of the NIRC of 1997, as amended.
- versus -	
RICHELLE SORIANO LEONARDO (At Large), No. 28 Masalipit Street, San Miguel Meycauayan, Bulacan, and/or No. 6 Fatima Street, Maryville Townhomes, Saluysoy, Meycauayan Bulacan, *Accused.*	Members: **MANAHAN**, *Chairperson,* **REYES-FAJARDO**, *and* **ANGELES**, *JJ.* Promulgated: SEP 17 2024 1:14 p.m.

x - x

RESOLUTION

On August 3, 2012, an Information was filed against accused Richelle Soriano Leonardo, charging her for violation of Section 255 of the National Internal Revenue Code of 1997, as amended. The accusatory portion of which states:

> That on or about April 16, 2010, in Plaridel, Bulacan, and within the jurisdiction of this Honorable Court, the above-named accused, a Filipino citizen and engaged in the business of selling gold to the Bangko Sentral ng Pilipinas, with obligation under the law to file her Income Tax Return for taxable year 2009 on or before April 15, 2010, did then and there, willfully, unlawfully, and feloniously failed to file her Income Tax Return with the Bureau of Internal Revenue, to the damage and prejudice of the Government in the estimated amount of P1,216,910,604.08 inclusive of surcharges and interest as of November 30, 2011.

CONTRARY TO LAW.

This case merits dismissal.

Section 7(b)(1) of Republic Act (RA) No. 1125, as amended by RA No. 9282, reads:

> 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 (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. ...[1]

Relatedly, Section 3(b)(1), Rule 4[2] of the Revised Rules of the Court of Tax Appeals (RRCTA)[3] clarified that the CTA in Division possesses exclusive original jurisdiction over tax criminal offenses, provided the following conditions concur: *first,* the offense charged pertains to, among others, violation of the NIRC; and *second,* the principal amount of taxes and fees claimed, *exclusive of charges and penalties* is at least ₱1,000,000.00. In turn, the jurisdiction of a court over a criminal case is determined by the allegations in the complaint or information. Once it is so shown, the court may validly take cognizance of the case.[4]

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1 Boldfacing supplied.

2 SECTION 3. *Cases Within the Jurisdiction of the Court in Divisions.* — The Court in Divisions shall exercise:

...

(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; ... Boldfacing supplied.

3 A.M. No. 05-11-07-CTA.

4 *Cabral v. Bracamonte,* G.R. No. 233174, January 23, 2019.

Indeed, the Information charged accused for violation of Section 255 of the NIRC, as amended. Stated therein is that the amount of the alleged deficiency income tax due for the taxable year 2009 was ₱1,216,910,604.08. Yet, these averments hardly suffice to bestow the Court with jurisdiction over CTA Crim. Case No. 300. The Information *failed* to expressly state that the amount of ₱1,216,910,604.08, pertaining to the principal amount of taxes and fees, is *exclusive* of charges and penalties as mandated by Section 7(b)(1) of RA No. 1125, as amended by RA No. 9282, in relation to Section 3(b)(1), Rule 4 of the RRCTA.

In sum, the allegations in the prosecution's Information failed to demonstrate the Court's jurisdiction over this case. For this reason, dismissal of CTA Criminal Case No. O-300 is in order.

WHEREFORE, CTA Criminal Case No. O-300 is withdrawn from the archives and accordingly **DISMISSED** for lack of jurisdiction.

SO ORDERED.

Catherine T. Manahan
CATHERINE T. MANAHAN
Associate Justice

Marian Ivy F. Reyes-Fajardo
MARIAN IVY F. REYES-FAJARDO
Associate Justice

HENRY S. ANGELES
Associate Justice