

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

SECOND DIVISION

ROBERTO CONTRERAS,

Petitioner,

- versus -

C.T.A. CASE NO. 7963

BUREAU OF CUSTOMS, represented by
Commissioner Napoleon Morales,

Respondent.

Members:

CASTAÑEDA, JR., Chairperson;
CASANOVA, and
MINDARO-GRULLA, JJ.

Promulgated:

MAR 10 2010

X -----X
2:07 p.m.

RESOLUTION

Records show that on August 25, 2009, petitioner filed with this Court a Petition for Review, with application for preliminary prohibitory injunction. On September 1, 2009 this Court issued summons on respondent requiring the latter to file Answer to the Petition for Review within fifteen (15) days from receipt thereof. On September 24, 2009, this Court granted respondent ten (10) days from September 24, 2009 or until October 4, 2009 to file comment on petitioner's application for preliminary prohibitory injunction and petitioner was given ten (10) days from receipt thereof to file Reply. On October 1, 2009, respondent filed its comment on petitioner's application for preliminary prohibitory injunction. On October 26, 2009, thru registered mail, petitioner filed his Reply. On November 4, 2009, the Court denied petitioner's application for preliminary prohibitory injunction.

WHEREFORE, it appearing that respondent has not yet filed his Answer to the Petition for Review as of date and considering petitioner has not made any move to prosecute its action, and pursuant to Section 3, Rule 17 of the 1997 Rules of Civil Procedure, as amended, the instant case is hereby *DISMISSED for failure of petitioner to prosecute its action for an unreasonable length of time.*

SO ORDERED.


CAESAR A. CASANOVA
Associate Justice


JUANITO C. CASTAÑEDA, JR.
Associate Justice


CIELITO N. MINDARO-GRULLA
Associate Justice

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