

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

SECOND DIVISION

**REPUBLIC OF THE
PHILIPPINES,**

Plaintiff,

- versus -

**GREAT DOMESTIC
INSURANCE COMPANY OF
THE PHILIPPINES, INC.,**

Defendant.

CTA OC NO. 026

Members:

CASTAÑEDA, JR., *Chairperson,*
MINDARO-GRULLA, *and*
BACORRO-VILLENA, JJ.

Promulgated:

NOV 19 2019

x ----- x

RESOLUTION

On August 29, 2019, the Court issued a Resolution, ordering the plaintiff to inform the Court of the correct address of the defendant within thirty (30) days from notice hereof. Otherwise, the Court may be constrained to dismiss the case for failure to prosecute in accordance with Section 3 of the Rule 17 of the Rules of Court.

However, as per Records Verification dated October 7, 2019, plaintiff failed to comply with the Court's Resolution despite notice.

Section 3, Rule 17 of the 1997 Rules of Civil Procedure, as amended, provides three instances wherein the Court may dismiss a case for failure to prosecute, to wit:

"Sec. 3. *Dismissal due to fault of plaintiff.* – If, for no justifiable cause, the plaintiff fails to appear on the date of the presentation of his evidence in chief on the complaint, or to prosecute his action for an unreasonable length of time, **or to comply with** these Rules or **any order of the court, the complaint may be dismissed** upon motion of the defendant or **upon the court's own**

motion, without prejudice to the right of the defendant to prosecute his counterclaim in the same or in a separate action. This dismissal shall have the effect of an adjudication upon the merits, unless otherwise declared by the court." (*Emphasis supplied*)

Considering the plaintiff's failure to comply with the Court's Resolution dated August 29, 2019 without any justifiable reason, the instant case is **DISMISSED**, without prejudice.

SO ORDERED.


JUANITO C. CASTAÑEDA, JR.
Associate Justice


CIELITO N. MINDARO-GRULLA
Associate Justice


JEAN MARIE A. BACORRO-VILLENA
Associate Justice