

Republic of the Philippines
COURT OF TAX APPEALS
Quezon City

FIRST DIVISION

PEOPLE OF THE CTA CRIM CASE NO. O-535
PHILIPPINES,

Plaintiff,

-versus-

**For: Violation of Section 255,
of the National Internal
Revenue Code of 1997, as
amended**

**EAGLE'S FORTUNE,
INCORPORATION and
WANG ZHI ZIN a.k.a ALEX
ONG, a.k.a WHANG ZHI
ZIN**

Accused.

Members:

DEL ROSARIO, Chairperson

UY, and

MINDARO-GRULLA, JJ.

Promulgated:

MAY 06 2016; 11:31 am.

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RESOLUTION

MINDARO-GRULLA, J.:

For resolution are the following:

1. Motion to Withdraw filed by the People of the Philippines; and
2. Urgent Motion to Quash Amended Information and/or reinvestigation

Plaintiff People of the Philippines moves to withdraw all the Informations in CTA Criminal Case Nos. O-530, O-534 and O-535 on the ground that there appears to be an incongruity between the crimes alleged in the Joint Complaint-Affidavit dated February 16, 2012 and the corresponding Resolution dated June 9, 2014 that might place the prosecution in a quandary as to the filing of the Informations. **C**

The rule is well-settled that once a complaint or information is filed in court any disposition of the case as to its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the court.¹ Considering that the Motion to Withdraw has been signed by the Special Prosecutors of the Bureau of Internal Revenue, with the conforme of the Assistant Prosecutors and Prosecutor General Claro Arellano from the Department of Justice, withdrawal of the Informations is in order. Consequently, the Urgent Motion to Quash Amended Information and/or reinvestigation filed by accused is considered moot and academic.

WHEREFORE, the Motion to Withdraw filed by the People of the Philippines is hereby **GRANTED**. The Urgent Motion to Quash Amended Information and/or reinvestigation filed by accused is hereby rendered **MOOT and ACADEMIC**.

Consequently, the Informations in CTA Criminal Case Nos. O-530, O-534 and O-535 are hereby **WITHDRAWN**. CTA Criminal Case Nos. O-530, O-534 and O-535 are hereby **DISMISSED** without prejudice to the filing of new Informations.

SO ORDERED.

Cielito N. Mindaro-Grulla
CIELITO N. MINDARO-GRULLA
Associate Justice

WE CONCUR:

(on leave)
ROMAN G. DEL ROSARIO
Presiding Justice

Erlinda P. Uy
ERLINDA P. UY
Associate Justice

¹ Mario Fl .Crespo vs. Hon. Leodegario L. Mogul, et al., G.R. No. 53373, June 30, 1987.