REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

CTA Crim. Case No. 0-217

For: Violation of Section 255 of the National Internal Revenue Code of 1997

LORENZO S. SULAIK,
Accused.

Members:

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

Promulgated:

AUG 0 5 2011

x----------x

4:20 p.m.

RESOLUTION

Section 7 of Republic Act No. 9282, which took effect on April 23, 2004, amending Republic Act No. 1125 [the law creating the Court of Tax Appeals (CTA)], provides:

Section 7. Section 7 of the same Act is hereby amended to read as follows:

"**Section 7**. ***Jurisdiction***. – The CTA shall exercise:

(a) x x x

(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. x x x"

Pursuant to the aforequoted provision, the **CTA** has exclusive original jurisdiction over all criminal offenses arising from violations of the National Internal Revenue Code or the 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 P1,000,000.00 or more**. Where the principal amount of taxes and fees, **exclusive of charges and penalties**, claimed is **less than P1,000,000.00** or where there is no specified amount claimed, the same shall be tried by the **regular Courts** and the jurisdiction of the CTA shall be appellate.

A perusal of the Information filed on July 26, 2011 in the above-captioned case, as well as the Joint Complaint–Affidavit attached to the Letter of Commissioner S. Jacinto-Henares to Secretary Leila M. De Lima dated December 2, 2010, shows that the **principal amount of taxes** claimed for the year 2008, *exclusive of charges and penalties*, is less than P1,000,000.00 or **P979,733.15** to be exact.

Pursuant to the aforecited provision, the CTA has no jurisdiction over the charge, jurisdiction being vested with the regular Courts. This Court, therefore, is left with no recourse, but to dismiss this case.

WHEREFORE, premises considered the case-in-caption is hereby **DISMISSED** for lack of jurisdiction, without prejudice to filing the same in the proper forum.

SO ORDERED.

JUANITO C. CASTAÑEDA, JR.
Associate Justice

CAESAR A. CASANOVA
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice