

REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES
represented by the BUREAU OF
CUSTOMS,

Plaintiff, C.T.A. OC NO. 003

Members:

- versus -

CASTAÑEDA, JR., *Chairperson*
UY, *and*
PALANCA-ENRIQUEZ, JJ.

EXPRESS COLOUR INDUSTRIES, INC.,
GEMMA G. GALICHA, MA.
CARMENCITA C. CAMARA, GRACE T.
CHINGKOE, VIANITA O. ACILO and
LUMINGNING C. LAMSON,

Defendants.

Promulgated:

AUG 22 2006

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RESOLUTION

For resolution is the "Joint Motion to Archive" filed on March 30, 2005 by plaintiff herein represented by Assistant Solicitor Amparo M. Cabotaje-Tang and Ma. Antonia Edita C. Dizon, Solicitors Tomas M. Larangan, Edilberto R. Rebato, Jr., and Associate Solicitor Sonny Von N. Ruaya praying that the above captioned case be temporarily archived pending the determination of the whereabouts and identity of the true owners of the defendants herein as it was discovered that some of the individual stockholders impleaded in these cases are either fictitious or are

mere dummies to conceal the identities of the true owners of these corporations.

Records show that copies of the summons and the complaint were served to the defendants via registered mail due to the impossibility of service in person of defendants despite reasonable efforts exerted by this Court.

Records further show that summons and copies of the complaints sent through registered mail to defendants Ms. Vianita O. Acilo and Ms. Gemma G. Galicha were returned to this Court unserved with the notation "RTS" (or return to sender), for the following reasons, respectively: that the mail was 'undelivered' and that the mail was 'unclaimed' despite three (3) notices given by the post master from the time the original summons were issued in 2005.

On the other hand, summons and copy of the complaint sent through registered mail to defendant corporation, Express Colour Industries, was returned to this Court unserved with the notation "RTS" (or return to sender), for the reason that the addressee 'refused to receive'.

Administrative Circular No 7-A-92, issued on June 21, 1993, by the Supreme Court prescribes the guidelines in archiving of cases, to wit:

"In civil cases, the court motu proprio or upon motion, order that a civil case be archived only in the following instances:

1. When the parties are in the process of settlement, in which case the proceedings may be suspended and the case archived for a period not exceeding ninety (90) days. The case shall be included in the trial calendar on the day immediately following the lapse of the suspension period.

2. When an interlocutory order or incident in the civil case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction.
3. When defendant, without fault or neglect of plaintiff cannot be served with summons within six (6) months from issuance of original summons." (Emphasis Ours)

WHEREFORE, premises considered, the instant motion is hereby GRANTED. Let the above-captioned case be sent to the Archives, without prejudice to its reinstatement upon motion of the plaintiff.

SO ORDERED.


JUANITO C. CASTANEDA, JR.
Associate Justice


ERLINDA P. UY
Associate Justice


OLGA PALANCA-ENRIQUEZ
Associate Justice