

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

**TIGER ASIA TRADING CORP., AGAPITO
ESTOMATA & AGRIFINO ESTOMATA,**
Petitioners,

- versus -

C.T.A. CASE NO. 5961

**ATTY. EMELITO V. VILLARUZ, District
Collector of Customs, Port of Subic,
Atty. NELSON A. TAN, in his capacity as
Commissioner of Customs, Hon. RONALDO
ZAMORA, in his capacity as the
EXECUTIVE SECRETARY of the
PRESIDENT OF THE PHILIPPINES,**
Respondents.

Promulgated:

JAN 08 2001

[Signature]

X ----- X

RESOLUTION

Submitted for the approval of this Court is the "Compromise Agreement" entered into between herein Petitioners and Respondents, the pertinent portion of which reads as follows:

- "1. The importation of the six vehicles subject of CTA Case No. 5961 is supported by regular documentation.
2. Agapito Estomata, Agrifino Estomata and Tiger Asia Trading Corporation, through their attorney-in-fact hereby waive all claims for damages and all other causes of actions against BOC, OES, their duly authorized representatives and such other government officials, offices and employees acting for and on their behalf pertaining to and arising from the forfeiture of the vehicles subject of CTA Case No. 5961.
3. Upon the signing of this AGREEMENT, BOC, OES, on one hand; Agapito Estomata, Agrifino Estomata and Tiger Asia Trading Corporation, through their attorney-in-fact Carlos Bravo, on the other, shall submit this AGREEMENT to the Court of Tax Appeals

in CTA Case No. 5961 for approval and shall simultaneously and jointly move to dismiss it, with prejudice.

4. Upon approval of this AGREEMENT and dismissal of CTA Case No, 5961, with prejudice, Agapito Estomata, Agrifino Estomata and Tiger Asia Trading Corporation, shall pay to BOC the duties and taxes heretofore stated.
5. BOC and OES shall release the vehicles subject of CTA Case No. 5961 only upon payment of the aforementioned duties and taxes and upon presentation of the court's approval of this compromise agreement."

On December 13, 2000, this Court issued a resolution holding in abeyance the approval of the said Compromise Agreement as there was no showing that it has been approved by the Secretary of Finance pursuant to Section 2316 of the Tariff and Customs Code of the Philippines.

On January 2, 2001, the parties, pursuant to the said resolution, submitted to this Court the written approval of the Secretary of Finance, Hon. Jose T. Pardo, to the compromise agreement. (see page 165, CTA docket)

Thus, finding the above-quoted compromise agreement to be in order and considering the approval thereto of the Secretary of Finance pursuant to Section 2316 of the Tariff and Customs Code, the same is hereby **APPROVED** since its provisions are not prohibited by law nor condemned by judicial decision nor contrary to morals, good customs and public policy. This Court is therefore imposing a judgment on the basis of the very terms and conditions of the Compromise Agreement entered into between the parties.

The parties are hereby enjoined to comply strictly and in good faith as well as with sincerity and honesty to the terms, conditions and stipulations therein contained.

IN VIEW OF THE FOREGOING, let judgment be rendered ordering the release of the following imported vehicles to the Petitioners, Tiger Asia Trading Corp., Agapito Estomata and Agrifino Estomata, subject to payment of full customs duties and taxes in accordance with the said compromise agreement.

BRAND OF CAR : LINCOLN NAVIGATOR
CHASSIS NO. : MPU28LXWLJ57437
CONSIGNEE : AGAPITO ESTOMATA

BRAND OF CAR : LEXUS RX300
CHASSIS NO. : JTGHF10U6X0029191
CONSIGNEE : AGRIFINO ESTOMATA

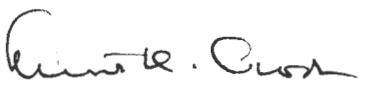
BRAND OF CAR : LINCOLN NAVIGATOR
CHASSIS NO. : MPU28LXWLJ51618
CONSIGNEE : TIGER ASIA TRADING CORP.

BRAND OF CAR : MERCEDES BENZ-M-320
CHASSIS NO. : 4JGAB54E4WA050609
CONSIGNEE : TIGER ASIA TRADING CORP.

BRAND OF CAR : LEXUS RX300
CHASSIS NO. : JTGHF10U7X0022802
CONSIGNEE : TIGER ASIA TRADING CORP.

BRAND OF CAR : LINCOLN NAVIGATOR
CHASSIS NO. : MPU28L2WLJ55730
CONSIGNEE : TIGER ASIA TRADING CORP.

SO ORDERED.


ERNESTO D. ACOSTA
Presiding Judge


AMANCIO Q. SACA
Associate Judge


RAMON O. DE VEYRA
Associate Judge