Republic of the Philippines
Department of Finance
Securities and Exchange Commission
Pasay City, Philippines

**Industrial Emulsions incorporated**
**Represented by Elpidio B. Valino**

*Appellant,*

*versus* SEC En Banc Case No. 12-17-434

**Company Registration and Monitoring Department (CRMD),**

*Appellee.*

# RESOLUTION

This resolves the Appeal Memorandum filed by Industrial Emulsions Incorporated (Industrial) against Company Registration and Monitoring Department (CRMD) dated 16 November 2017.

Under Part V, Rule III, Section 3-2 of the 2016 Rules of Procedure, an appeal may be taken within fifteen days from receipt by the party to an action of the adverse decision, final order or resolution of a Director of an Operating Department. In this case, Industrial did not indicate on what date it received the letter-reply of Dir. Sales dated 3 November 2016. We can only surmise that it was received between 3 November 2016 and 14 November 2016, when Industrial, instead of filing an appropriate appeal memorandum, sent a letter with the Office of the General Counsel, as a response to the denial of their request for the extension of its corporate life.

On 23 January 2017, the Office of the General Counsel, as a reply to the letter filed by Industrial, also noted that the period for Industrial to file an appeal has already lapsed.

Also, Sections 3-3 and 3-4 of the Rules of Procedure states that the appeal memorandum shall include the following:

1. Proof of service of a copy of the appeal memorandum on the appellee and/or the Director of the operating department;
2. The material dates showing that it was filed on time;
3. A concise statement of the matters involved, the issues raised, the specification of errors or arguments relied upon in support of the appeal;
4. An attached copy of the decision, final order, or resolution of the Director of the Operating Department being appealed and of the material portions of the record as would support the allegations of the appeal.

This appeal memorandum, or any letter previously send by Industrial fails to conform with requirements abovementioned. No proof of service was filed with the appeal memorandum. The date when such adverse order/decision of CRMD was received was not alleged. No specification of errors or arguments relied upon in support of the appeal us present. While it mentions the assailed letter-decision of Dir. Sales, it did attach a copy of such letter.

Thus, under Section 3-5 of the Rules of Procedure, if from an initial examination of the allegation or averments in the appeal memorandum and such documents that may be attached thereto, the appeal may be dismissed for failure to comply with the requirements set forth under the Rules. This appeal memorandum fails to comply with the requirements on multiple grounds.

Assuming there are no procedural infirmities, we still could not grant the appeal of Industrial. SEC Resolution No. 222, s. 2017, enunciating the Supreme Court decisions in CRMD vs. Ching Bee Trading (G.R. No. 205921, 12 Nov. 2014) and 3-D Industries vs. Northern Island Company, Inc. (G.R. No. 194891, 9 Jan. 2017) allowed the filing of corporation's application for corporate extension of term provided that the intent to

continue operations is approved by the Board prior to the expiration of the term, certified by a written document, filed before the CRMD and all the requirements are satisfied, and all appropriate filling fees are paid for. However, none of the requirements were fulfilled by Industrial. Thus, we are constrained to dismiss this appeal.

**WHEREFORE**, this appeal is hereby **DISMISSED** for lack of merit.

**SO ORDERED**.

Pasay City, Philippines, 9 January 2018.

**TERESITA J. HERBOSA**
Chairperson

**ANTONIETA F. IBE**
Commissioner

**EPHYRO LUIS B. AMATONG**
Commissioner

**BLAS JAMES G. VITERBO** *
Commissioner

**EMILIO B. AQUINO**
Commissioner

*On Official Business