REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL FIRST DIVISION
****

METRO PACIFIC TOLLWAYS DEVELOPMENT CORPORATION, Petitioner,	**CTA AC No. 191**
	Members:
- versus -	**DEL ROSARIO,** P.J., Chairperson, **UY,** and **MINDARO-GRULLA,** JJ.
MAKATI CITY AND NELIA A. BARLIS IN HER CAPACITY AS INCUMBENT CITY TREASURER OF MAKATI CITY, Respondents.	***Promulgated:*** JAN 29 2019 . 9:43 am

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DECISION

UY, J.:

Before this Court is a *Petition for Review*[1] filed on October 27, 2017 by Metro Pacific Tollways Development Corporation against Makati City and Nelia A. Barlis, in her capacity as incumbent City Treasurer of Makati City, praying for the reversal and setting aside of the Decision dated July 13, 2017[2] and the Order dated September 20, 2017[3], both issued by the Regional Trial Court – Branch 133, Makati City (RTC – Branch 133), in Civil Case No. 16-101, entitled *"Metro Pacific Tollways Development Corporation, Plaintiff, versus Makati City and Nelia A. Barlis, in her capacity as Former City Treasurer of Makati and/or the Incumbent City Treasurer of Makati"*.

The dispositive portions of the said Decision and Order respectively read as follows:

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[1] Docket, pp. 8 to 42.
[2] Annex "B", *Petition for Review*, Docket, pp. 49 to 61; and RTC Records – Vol. 2, pp. 439 to 451.
[3] Annex "A", *Petition for Review*, Docket, pp. 47 to 48; RTC Records – Vol. 2, pp. 570 to 571.

<u>Decision dated July 13, 2017</u>:

"**WHEREFORE**, premises considered, the complaint for refund of erroneously paid local business tax is hereby **DISMISSED**.

SO ORDERED."

<u>Order dated September 20, 2017</u>:

"**WHEREFORE**, the **Motion for Reconsideration** dated August 4, 2017 is hereby ordered **DENIED** for lack of merit. The **Decision** dated July 13, 2017 **SHALL STAND**.

SO ORDERED."

THE FACTS

Petitioner Metro Pacific Tollways Development Corporation is a corporation duly organized and existing under the laws of the Republic of the Philippines, with Securities and Exchange Commission (SEC) Registration No. AS094-003601, with principal office address is at 10/F MGO Building, Legaspi Street corner Dela Rosa Street, San Lorenzo Village, Makati City.

Respondent City of Makati is a municipal corporation created by virtue of Republic Act No. 7854, or *"An Act Converting the Municipality of Makati into a Highly Urbanized City to be known as the City of Makati"*, with address at Makati City Hall, J.P. Rizal Street, Barangay Poblacion, Makati City, Metro Manila; while respondent Nelia A. Barlis was the incumbent City Treasurer of Makati City, and held office at the City Treasurer's Office, Makati City Hall, J.P. Rizal Street, Barangay Poblacion, Makati City, Metro Manila, and was impleaded in her official capacity, as it was her office that issued the assessment against petitioner for local business tax (LBT) on dividend income received by petitioner for the year 2012.

In 2014, petitioner applied for renewal of its business permit with the Makati City Business Permits Office and was issued the following Billing Assessment Form Nos. 8874 and 8876, both dated

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January 23, 2014, for which corresponding payments were made by petitioner, as evidenced by official receipts:

Billing Assessment Form No.	Date of Payment	Official Receipt No.	Amount of LBT Paid
8874[4]	January 29, 2014	MKTCF2209189	₱ 49,316.48
8876[5]	January 29, 2014	MKTCF2209189	₱ 4,060,654.76
		TOTAL	**₱ 4,109,971.24**

The deficiency LBT was computed by respondents based on petitioner's dividend income amounting to ₱19,776,032.38 and ₱1,344,587,668.00, and reported in petitioner's financial statements for the year ending December 31, 2012.

On January 8, 2016, petitioner filed an administrative claim for refund before respondent City Treasurer. An amended administrative claim for refund was subsequently filed on January 18, 2016.

However, on January 28, 2016, petitioner was constrained to elevate the matter to the Regional Trial Court (RTC) of Makati City, pursuant to Section 196 of the Local Government Code (LGC). The case was docketed as Civil Case No. 16-101, and was raffled to RTC, Branch 143 of Makati City.

On March 11, 2016, respondents filed a *Motion to Dismiss*,[6] arguing that the subject assessments of petitioner's deficiency of LBT for the year 2013 and the LBT for the year 2014 have become final, executory, conclusive, and unappealable. Allegedly, a claim for tax refund or tax credit cannot prosper on the payment of LBT assessment that is already final and unappealable. The said *Motion to Dismiss*, however, was denied by RTC Branch 143 in the Resolution dated August 19, 2016.[7]

Thereafter, respondents filed their *Answer* on October 3, 2016,[8] while petitioner filed a *Reply* on October 18, 2016.[9] Subsequently, petitioner filed its *Pre-Trial Brief* on October 21, 2016;[10] while respondents filed their *Pre-Trial Brief* on October 24, 2016.[11]

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[4] Exhibits "P-5", RTC Records – Vol. 2, p. 353.
[5] Exhibits "D" and "P-6", RTC Records – Vol. 2, pp. 266 and 354.
[6] RTC Records – Vol. 1, pp. 120 to 126
[7] RTC Records – Vol. 1, pp. 195 to 196.
[8] RTC Records – Vol. 1, pp. 200 to 212.
[9] RTC Records – Vol. 1, pp. 213 to 227.
[10] RTC Records – Vol. 1, pp. 228 to 235.
[11] RTC Records – Vol. 2, pp. 236 to 240.

In the Order dated October 27, 2016,[12] Branch 143 sent Civil Case No. 16-101 to the Philippine Mediation Center, by agreement of the parties' counsels.

However, the case was re-raffled and received by RTC – Branch 133 on March 10, 2017, due to the parties' failure to amicably settle through the Judicial Dispute Resolution Proceeding.[13]

On March 13, 2017, RTC Branch 133 of Makati City issued a *Notice of Application of New System for Speedy Court Trial A.M. No. 14-03-02-SC dated March 8, 2014.*[14]

On April 20, 2017, RTC – Branch 133 issued a *Notice to File Draft Terms of Reference (Section 22.4, Rule 22),*[15] requiring the parties to submit their respective *Draft Terms of Reference* pursuant to Section 22.4 of Rule 22 of the Revised Rules of Civil Procedure. The *Draft Terms of Reference* for respondents was filed on May 4, 2017;[16] while petitioner's *Draft Terms of Reference* was filed on May 5, 2017.[17] Thereafter, RTC – Branch 133 issued the *Terms of Reference of the Court* on May 8, 2017.[18]

On May 25, 2017, RTC – Branch 133 issued an Order,[19] submitting the case for decision and directing the parties to submit their respective *Draft Decisions* within thirty (30) days. Petitioner filed its *Draft Decision* on June 21, 2017;[20] while the *Draft Decision* of respondents was filed on June 23, 2017.[21]

On July 13, 2017, RTC – Branch 133 issued the assailed Decision,[22] dismissing Civil Case No. 16-101, petitioner's complaint for refund of erroneously paid local business tax.

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[12] RTC Records – Vol. 2, p. 244.
[13] RTC Records – Vol. 2, pp. 250 to 253.
[14] RTC Records – Vol. 2, p. 254.
[15] RTC Records – Vol. 2, pp. 365 to 367.
[16] RTC Records – Vol. 2, pp. 368 to 372.
[17] RTC Records – Vol. 2, pp. 373 to 379.
[18] RTC Records – Vol. 2, pp. 381 to 387.
[19] RTC Records – Vol. 2, pp. 389 to 390.
[20] RTC Records – Vol. 2, pp. 399 to 426.
[21] RTC Records, – Vol. 2, pp. 429 to 437.
[22] RTC Records – Vol. 2, pp. 439 to 451.

Petitioner then filed a *Motion for Reconsideration* on August 7, 2017.[23] Said motion was denied for lack of merit by RTC – Branch 133 in the assailed Order dated September 20, 2017.[24]

Subsequently, petitioner filed the instant *Petition for Review* on October 27, 2017[25] praying for the reversal and setting aside of the said Decision dated July 13, 2017[26] and Order dated September 20, 2017[27], both issued by the Regional Trial Court – Branch 133, Makati City (RTC – Branch 133), in Civil Case No. 16-101.

In the Resolution dated November 28, 2017,[28] respondents were directed to file their *Comment* on the instant *Petition for Review*; and the Branch Clerk of Court of RTC – Branch 133 was ordered to elevate to this Court the entire records of Civil Case No. 16-101, both within ten (10) days from receipt of the said Resolution.

Respondents filed their *Comment/Opposition (To Petition for Review)* on December 15, 2017;[29] while the said Branch Clerk of Court transmitted the complete records of Civil Case No. 16-101 on December 19, 2017.[30]

In the Resolution dated January 3, 2018,[31] this Court gave due course to the petition and the parties were directed to submit their respective memoranda within thirty (30) days from receipt thereof. Thus, petitioner filed its *Memorandum* on January 24, 2018;[32] while the *Memorandum for the Respondents* was filed on January 30, 2018.[33]

The instant case was considered submitted for decision on February 2, 2018.[34]

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[23] RTC Records – Vol. 2, pp. 452 to 475.
[24] RTC Records – Vol. 2, pp. 570 to 571.
[25] Docket, pp. 8 to 42.
[26] Annex "B", *Petition for Review*, Docket, pp. 49 to 61; and RTC Records – Vol. 2, pp. 439 to 451.
[27] Annex "A", *Petition for Review*, Docket, pp. 47 to 48; RTC Records – Vol. 2, pp. 570 to 571.
[28] Docket, pp. 246 to 247.
[29] Docket, pp. 248 to 254.
[30] Docket, pp. 256 to 260.
[31] Docket, pp. 263 to 264.
[32] Docket, pp. 265 to 286.
[33] Docket, pp. 292 to 299.
[34] Resolution dated February 2, 2018, Docket, p. 303.

Hence, this Decision.

THE ISSUE

Petitioner submitted the following issues [35] for this Court's resolution, to wit :

"I.

WHETHER OR NOT RESPONDENT CITY TREASURER ERRED IN ASSESSING AND COLLECTING LBT FROM PETITIONER CONSIDERING THAT PETITIONER IS NOT A BANK OR OTHER FINANCIAL INSTITUTION.

II.

WHETHER OR NOT PETITIONER IS ENTITLED TO A TAX REFUND IN THE AMOUNT OF FOUR MILLION ONE HUNDRED NINE THOUSAND NINE HUNDRED SEVENTY-ONE PESOS AND TWENTY-FOUR CENTAVOS (Php 4,109,971.24).

III.

WHETHER OR NOT PETITIONER AS A HOLDING COMPANY SHOULD BE IMPOSED WITH LBT UNDER SECTION 3A.02(P) IN RELATION TO SECTION 3A.02(H) OF THE RMRC.

IV.

WHETHER OR NOT RESPONDENT OFFICE OF THE CITY TREASURER OF MAKATI'S ASSESSMENT AGAINST PETITIONER FOR DEFICIENCY LBT HAS BECOME FINAL AND UNAPPEALABLE UNDER SECTION 195 OF THE LGC IN THE ABSENCE OF ANY PROTEST BY PETITIONER."

For their part, respondents raise the following issues[36] for the Court's consideration:

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[35] Statement of Issues, *Memorandum for Petitioner*, Docket, pp. 267 to 268.
[36] Statement of Issues, *Memorandum for the Respondents*, Docket, p. 293.

"1. Whether or not the Court a quo committed grave error in dismissing the case on the ground that the assessments became final, executory, conclusive and/ or unappealable.

2. Whether or not the Court a quo committed grave error in holding that the Petitioner as a holding company should be imposed with local business tax under Section 3A.02(p) in relation to Section 3A.02(h) of the Revised Makati Revenue Code on the basis of plaintiff's dividend income."

Petitioner's arguments:

Petitioner argues that being a holding company, it is not liable for LBT on its dividend income under Section 3A.02(p) in relation to Section 3A.02(h) of the Revised Makati Revenue Code. It stresses that Section 3A.02(h) is applicable only to a bank or other financial institution.

Dividends, interests and other passive income are allegedly not expressly included in the taxable gross receipts of holding companies such as petitioner. In both the LGC and the RMRC, the general definition of the term "gross sales or receipts" refers only to the amount paid for "services performed or to be performed for another person" and does not allegedly include "interest, commissions, and discounts from lending activities, income from financial leasing, investments, dividends, insurance premium and profit from exchange or sale of property."

Furthermore, petitioner claims that respondent Makati City Treasurer's assessment against petitioner for deficiency LBT has not become final and unappealable under Section 195 of the LGC in the absence of any protest by petitioner. It allegedly opted to avail of the remedy outlined in Section 196, to the exclusion of Section 195 of the LGC.

Finally, petitioner asserts that the RTC – Branch 133 failed to take into consideration the decision of this Court and other co-equal branches of the Makati Regional Trial Court that have categorically ruled that dividend income received by holding companies is not subject to LBT.

Respondents' counter-arguments:

Respondents, on the other hand, counter-argue that the applicable provision of the law in this case is Section 195 of the LGC. They allege that petitioner's failure to file its written protest on the assessment within the period allowed by law resulted in the assessment becoming final, executory and unappealable.

Respondents also contend that by virtue of being a holding company, the tax imposed against petitioner was based on the provision of Section 3A.02(p) in relation to Section 3A.02(h) of the Revised Makati Revenue Code. Allegedly, petitioner need not be a service contractor nor an owner or operator of banks and other financial institutions in order that Section 3A.02(h) can be made to apply. They also insist that petitioner's gross receipts should include interest, commissions, discounts from lending activities, income from financial leasing, investment, dividends, insurance premium, and profit from exchange or sale of real property.

THE COURT'S RULING

The Court shall first determine whether the subject assessments have become final and unappealable.

Pertinently, Sections 195 and 196 of the LGC of 1991, provide as follows:

> "SEC. 195. *Protest of Assessment.* – When the local treasurer or his duly authorized representative finds that correct taxes, fees, or charges have not been paid, he shall issue a notice of assessment stating the nature of the tax, fee or charge, the amount of deficiency, the surcharges, interests and penalties. Within sixty (60) days from the receipt of the notice of assessment, the taxpayer may file a written protest with the local treasurer contesting the assessment; otherwise, the assessment shall become final and executory. The local treasurer shall decide the protest within sixty (60) days from the time of its filing. If the local treasurer finds the protest to be wholly or partly meritorious, he shall issue a notice canceling wholly or partially the assessment. However, if the local treasurer finds the assessment to be wholly or partly correct, he shall deny the protest wholly or partly with notice to the taxpayer. The taxpayer shall have thirty

> (30) days from the receipt of the denial of the protest or from the lapse of the sixty (60) day period prescribed herein within which to appeal with the court of competent jurisdiction otherwise the assessment becomes conclusive and unappealable."
>
> "SEC. 196. *Claim for Refund of Tax Credit.* – No case or proceeding shall be maintained in any court for the recovery of any tax, fee, or charge erroneously or illegally collected until a written claim for refund or credit has been filed with the local treasurer. No case or proceeding shall be entertained in any court after the expiration of two (2) years from the date of the payment of such tax, fee, or charge, or from the date the taxpayer is entitled to a refund or credit."

Clearly, Section 195 refers to the procedure of protesting an assessment of local taxes, while Section 196 pertains to the procedure in claiming the refund of the same.

In the case of *City of Manila, et al. vs. Cosmos Bottling Corporation*,[37] the Supreme Court gave a more expansive distinction between the two provisions in this wise:

> "The first provides the procedure for contesting an assessment issued by the local treasurer; whereas, the second provides the procedure for the recovery of an erroneously paid or illegally collected tax, fee or charge. Both Sections 195 and 196 mention an administrative remedy that the taxpayer should first exhaust before bringing the appropriate action in court. In Section 195, it is the written protest with the local treasurer that constitutes the administrative remedy; while in Section 196, it is the written claim for refund or credit with the same office. As to form, the law does not particularly provide any for a protest or refund claim to be considered valid. It suffices that the written protest or refund is addressed to the local treasurer expressing in substance its desired relief. The title or denomination used in describing the letter would not ordinarily put control over the content of the letter.

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[37] G.R. No. 196681, June 27, 2018.

Obviously, the application of Section 195 is triggered by an assessment made by the local treasurer or his duly authorized representative for nonpayment of the correct taxes, fees or charges. Should the taxpayer find the assessment to be erroneous or excessive, he may contest it by filing a written protest before the local treasurer within the reglementary period of sixty (60) days from receipt of the notice; otherwise, the assessment shall become conclusive. The local treasurer has sixty (60) days to decide said protest. In case of denial of the protest or inaction by the local treasurer, the taxpayer may appeal with the court of competent jurisdiction; otherwise, the assessment becomes conclusive and unappealable.

On the other hand, Section 196 may be invoked by a taxpayer who claims to have erroneously paid a tax, fee or charge, or that such tax, fee or charge had been illegally collected from him. The provision requires the taxpayer to first file a written claim for refund before bringing a suit in court which must be initiated within two years from the date of payment. By necessary implication, the administrative remedy of claim for refund with the local treasurer must be initiated also within such two-year prescriptive period but before the judicial action.

Unlike Section 195, however, Section 196 does not expressly provide a specific period within which the local treasurer must decide the written claim for refund or credit. It is, therefore, possible for a taxpayer to submit an administrative claim for refund very early in the two-year period and initiate the judicial claim already near the end of such two-year period due to an extended **inaction** by the local treasurer. In this instance, the taxpayer cannot be required to await the decision of the local treasurer any longer, otherwise, his judicial action shall be barred by prescription."

The crux of the controversy in this case is the determination of whether or not petitioner is correct in not observing the procedure laid down under Section 195, in claiming the subject tax refund.

We answer in the negative.

In *International Container Terminal Services, Inc. vs. The City of Manila, et al.* ("*ICTS, Inc.* case"),[38] the Supreme Court ruled as follows:

> "If the taxpayer receives an assessment and does not pay the tax, its remedy is strictly confined to Section 195 of the Local Government Code. Thus, it must file a written protest with the local treasurer within 60 days from the receipt of the assessment. If the protest is denied, or if the local treasurer fails to act on it, then the taxpayer must appeal the assessment before a court of competent jurisdiction within 30 days from receipt of the denial, or the lapse of the 60-day period within which the local treasurer must act on the protest. In this case, as no tax was paid, there is no claim for refund in the appeal.
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> **<u>If the taxpayer opts to pay the assessed tax, fee, or charge, it must still file the written protest within the 60-day period, and then bring the case to court within 30 days from either the decision or inaction of the local treasurer.</u> In its court action, the taxpayer may, at the same time, question the validity and correctness of the assessment and seek a refund of the taxes it paid. 'Once the assessment is set aside by the court, it follows as a matter of course that all taxes paid under the erroneous or invalid assessment are refunded to the taxpayer.'**
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> **On the other hand, <u>if no assessment notice is issued by the local treasurer</u>, and the taxpayer claims that it erroneously paid a tax, fee, or charge, or that the tax, fee, or charge has been illegally collected from him, <u>then Section 196 applies</u>.**
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> xxx xxx xxx
>
> What determines the appropriate remedy is the local government's basis for the collection of the tax. **<u>It is explicitly stated in Section 195 that it is a remedy against a notice of assessment issued by the local treasurer, upon a finding that the correct taxes, fees, or charges have not been paid</u>. The notice of assessment must state 'the nature of the tax, fee, or charge, the amount of deficiency, the surcharges,**

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[38] G.R. No. 185622, October 17, 2018.

interests and penalties.' In *Yamane v. BA Lepanto Condominium Corp.*:[39]

> Ostensibly, the notice of assessment, which stands as the first instance the taxpayer is officially made aware of the pending tax liability, should be sufficiently informative to apprise the taxpayer the legal basis of the tax. Section 195 of the Local Government Code does not go as far as to expressly require that the notice of assessment specifically cite the provision of the ordinance involved but it does require that it state the nature of the tax, fee or charge, the amount of deficiency, surcharges, interests and penalties. In this case, the notice of assessment sent to the Corporation did state that the assessment was for business taxes, as well as the amount of the assessment. xxx.

No such precondition is necessary for a claim for refund pursuant to Section 196.

xxx xxx xxx

The 'assessments' from the fourth quarter of 1999 onwards were Municipal License Receipts; Mayor's Permit, Business Taxes, Fees & Charges Receipts; and Official Receipts issued by the Office of the City Treasurer for local business taxes, which must be paid as prerequisites for the renewal of petitioner's business permit in respondent City of Manila. While these receipts state the amount and nature of the tax assessed, they do not contain any amount of deficiency, surcharges, interests, and penalties due from petitioner. They cannot be considered the 'notice of assessment' required under Section 195 of the Local Government Code." *(Emphases and underscoring supplied)*

Based on the foregoing jurisprudential pronouncements, in case there is a notice of assessment issued by the local treasurer against a taxpayer, and even when the latter disagrees therewith, still opts to pay the assessed tax, fee, or charge, the amount of deficiency, the surcharges, interests and penalties, such taxpayer must still file a written protest within the 60-day period, and then bring the case to court within 30 days from either the decision or inaction of the local treasurer, pursuant to Section 195 of the LGC of 1991. If, however, there is no notice of assessment issued by the local

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[39] 510 Phil. 750 (2005) [Per J. Tinga, Second Division].

treasurer, and the taxpayer claims payment of illegally or erroneously collected taxes and intends the refund thereof, then Section 196 of the same LGC applies, without regard to the provisions of Section 195 of the same law.

The present case sprung from Billing Assessment Form Nos. 8874 [40] and 8876 [41], both dated January 23, 2014, issued by respondents. Specifically, Billing Assessment Form No. 8874 assessed petitioner, *inter alia*, for being a holdings company in the amount of ₱37,080.06, with interest in the amount of ₱12,236.42, or the aggregate amount of ₱49,316.48; while Billing Assessment Form No. 8876 assessed petitioner for *"Deficit for 2013/1...Actual Gross per F.S."* in the amount of ₱2,689,175.34, with interest in the amount of ₱1,371,479.42, or in the total amount of ₱4,109,971.24. The said amounts were paid by petitioner on January 29, 2014, per Official Receipt No. MKTCF2209189 issued by the Office of the Treasurer of the City of Makati.[42]

There being two (2) notices of assessment issued by respondents, and since petitioner opted to pay the amounts assessed, petitioner should have observed the provisions of Section 195 of the LGC of 1991, pursuant to the aforequoted ruling in the *ICTS, Inc.* case.

Counting sixty (60) days from January 23, 2014, petitioner had until March 24, 2014, within which to file a written protest with the Makati City Treasurer. However, in view of its failure to do so, the subject tax assessments have become final and unappealable, in accordance with Section 195 of the LGC of 1991.

Parenthetically, the filing of an administrative claim on January 8, 2016, and an amended administrative claim on January 18, 2016, by petitioner, is of no moment. This is simply because on the said dates, the subject tax assessments have long become final and unappealable.

To be sure, the fact that an assessment has become final for failure of the taxpayer to file a protest within the time allowed only means that the validity or correctness of the assessment may no

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[40] Exhibits "D-3" and"P-5", RTC Records – Vol. 2, pp. 275 and 353.
[41] Exhibits "D" and "P-6", RTC Records – Vol. 2, pp. 266 and 354.
[42] Exhibit "D-5", RTC Records – Vol. 2, p. 277.

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longer be questioned on appeal.[43] Since the subject tax assessments have already become final, petitioner is precluded from questioning the same. Thus, it becomes unnecessary to determine whether petitioner is liable to pay the subject tax assessments.

Time and again, it has been held that the perfection of an appeal in the manner and within the period laid down by law is not only mandatory but also jurisdictional. The failure to perfect an appeal as required by the rules has the effect of defeating the right to appeal of a party and precluding the appellate court from acquiring jurisdiction over the case.[44] The right to appeal is not a natural right nor a part of due process. It is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of the law.[45] Correspondingly, in view of petitioner's failure to timely file its protest to respondents' tax assessments, the Court *a quo* is clearly without jurisdiction to entertain petitioner's *Complaint* in Civil Case No. 16-101.

Such being the case, We see no cogent reason to deviate from the ruling of the Court a quo in dismissing Civil Case No. 16-101 for lack of jurisdiction.

WHEREFORE, in light of the foregoing considerations, the instant *Petition for Review* is **DENIED** for lack of merit. Accordingly, the Decision dated July 13, 2017 and the Order dated September 20, 2017, both rendered by the RTC – Branch 133 in Civil Case No. 16-101, dismissing the same, are hereby **AFFIRMED**.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

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

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[43] *Commissioner of Internal Revenue vs. Hambrecht & Quist Philippines, Inc.*, G.R. No. 169225, November 17, 2010.
[44] *China Banking Corporation vs. City Treasurer of Manila*, G.R. No. 204117, July 1, 2015.
[45] *Ibid.*

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice
Chairperson, Special 1st Division