Republic of the Philippines
COURT OF TAX APPEALS
Quezon City

En Banc

BELLE BAY CITY CORPORATION, Petitioner,	**CTA EB Case No. 1038** (CBAA Case Nos. L-51, L-51A and L-58)
	Present:
- versus -	**DEL ROSARIO,** *PJ,* **CASTAÑEDA, JR., BAUTISTA, UY, CASANOVA, FABON-VICTORINO, MINDARO-GRULLA, COTANGCO-MANALASTAS,** *and* **RINGPIS-LIBAN,** *JJ.*
CENTRAL BOARD OF ASSESSMENT APPEALS, CITY ASSESSOR AND CITY TREASURER OF PARAÑAQUE CITY, Respondents.	**Promulgated:** SEP 02 2014 11:30 am

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DECISION

CASANOVA, J.:

This is an appeal, by way of a Petition for Review, *En Banc*[1] filed by petitioner Belle Bay City Corporation pursuant to Section 7(a) (5) [2] of Republic Act (R.A.) No. 1125, as amended, otherwise known as "An Act Creating the Court of Tax Appeals", in relation to Section 2(e),[3] Rule 4 of

[1] CTA En Banc Rollo, pp. 1- 19

[2] "**Section 7. *Jurisdiction.*** - The CTA shall exercise:
a. Exclusive appellate jurisdiction to review by appeal, as herein provided:
xxx xxx xxx
5. Decisions of the Central Board of Assessment Appeals in the exercise of its appellate jurisdiction over cases involving the assessment and taxation of real property originally decided by the provincial or city board of assessment appeals;"

[3] "**SEC. 2. *Cases within the jurisdiction of the Court en banc.*** – The Court en banc shall exercise exclusive appellate jurisdiction to review by appeal the following:
xxx xxx xxx

Administrative Matters (A.M.) No. 05-11-07-CTA, otherwise known as the "Revised Rules of the Court of Tax Appeals" (RRCTA), from the Decisions[4] dated July 30, 2012 and Orders dated[5] February 26, 2013, both promulgated by the Central Board of Assessment Appeals in the cases docketed as CBAA Case Nos. L-51, L-51A and L-58 which upheld the validity of the real property tax assessments issued against Belle Bay City Corporation.

Petitioner Belle Bay City Corporation is a corporation organized under the laws of the Philippines and is, currently, in the process of liquidation.[6]

Respondent Central Board of Assessment Appeals (CBAA) is an attached agency of the Department of Finance (DOF). It is a collegial quasi-judicial body, created under the Local Government Code (LGC) of 1991, with a mandated function of deciding real property tax assessment cases brought on appeal from the decisions of the Local Board of Assessment Appeals (LBAA) of the cities and provinces nationwide.

Respondents City Assessor and City Treasurer of Parañaque City are authorized under the LGC to assess and collect real property taxes due to the City of Parañaque. They may be served with pleadings, notices, orders, resolutions and process at their offices located at the Parañaque City Hall, San Antonio Valley 1 DASA, Barangay San Antonio, Parañaque City.

The facts of the case, as found by the CBAA, are as follows:[7]

"ANTECEDENTS

1. In 1996, the Securities and Exchange Commission (SEC) approved the merger of MBLHI and MBPDI into Belle Bay City Corporation (BBCC). MBLHI and MBPDI are registered owners of the following parcels of land located in the reclaimed area along Roxas Boulevard, Barangay Tambo, Parañaque City (Properties):

Declared Owner	Area (Sq. M.)
Manila Bay Land Holdings, Inc. (MBLHI) TCT-95324	70,000

(e) Decisions of the Central Board of Assessment Appeals (CBAA) in the exercise of its appellate jurisdiction over cases involving the assessment and taxation of real property originally decided by the provincial or city board of assessment appeals;"

4 Annexes "A-1", "A-2" and "A-3, Petition for Review, CTA En Banc Rollo, pp. 20-66

5 Annexes "C-1", "C-2" and "C-3, Petition for Review, CTA En Banc Rollo, pp. 80-115

6 Paragraph 1, Petition for Review, CTA En Banc Rollo, p. 1

7 Pp. 2-3 of Annexes "A-1", "A-2" and "A-3, Petition for Review, CTA En Banc Rollo, pp. 20-66

Manila Bay Park Developers, Inc. (MBPDI) TCT-135240	13,699
TCT-136449	7,154
TCT-136452	5,621
TCT-136454	6,868
TCT-136455	5,857
TCT-135242	21,567
TCT-135243	1,250
TCT-135244	1,250
TCT-136447	6,964
TCT-136448	5,804
TCT-136450	13,472
TCT-136451	7,450
TCT-136453	12,072
TCT-136456	10,972

2. On 23 July 1996, the Municipality (now City) of Parañaque issued Ordinance No. 96-16 entitled "An Ordinance Prescribing the Schedule of Fair Market Values for Land and Improvement for 1997 in this Municipality in accordance with the Local Government Code of 1991", which, among others, adopted the revised schedule of fair market values for lands located in Parañaque as a result of the general revision conducted by the Parañaque Municipal Assessor ("Assessor") on real property.

3. Pursuant to Ordinance No. 96-16, the Assessor issued tax declarations covering the Properties which reflected a market value of ₱12,000 per square meter.

4. In November 2000, the tax declarations on the Properties issued pursuant to Ordinance 96-16 were cancelled prospectively and new tax declarations were issued by the Assessor with the Assessment, whereby the Properties were assessed at ₱6,000 per square meter, except for Tax Declaration Nos. E-015-05803 and E-015-06704 which set the market values at ₱500.00 per square meter. The following are the new and current tax declarations covering the Properties with the Assessments:

Declared Owner	Tax Dec. No.
Manila Bay Land Holdings, Inc. (MBLHI) TCT-95324	E015-06715
Manila Bay Park Developers, Inc. (MBPDI) TCT-135240	E015-05803
TCT-136449	E015-06704
TCT-136452	E015-06707
TCT-136454	E015-06709
TCT-136455	E015-06710
TCT-135242	E015-06712
TCT-135243	E015-06713
TCT-135244	E015-06714
TCT-136447	E015-06702
TCT-136448	E015-06703

TCT-136450	E015-06705
TCT-136451	E015-06706
TCT-136453	E015-06708
TCT-136456	E015-06711"

Petitioner then paid under protest the real property tax assessments made by respondent City Assessor; thereafter, petitioner formally filed its protest with respondent City Treasurer as follows:

Assessments	Date Paid	Date of Formal Protest to City Treasurer	Amount Paid under Protest
1st Quarter	March 31, 2003[8]	April 30, 2003[9]	₱ 2,516,829.38
2nd Quarter	April 16, 2003[10]	April 30, 2003[11]	3,414,009.94
3rd Quarter	July 18, 2003[12]	August 20, 2003[13]	3,414,009.94
Penalties	July 18, 2003[14]	August 20, 2003[15]	1,000,000.00
4th Quarter	October 20, 2003[16]	November 19, 2003[17]	3,414,009.94
Total			**₱ 13,758,859.20**

On June 3, 2003, petitioner received a letter from respondent City Treasurer dated May 20, 2003 denying its protests for the first and second quarters of 2003, and again, on November 3, 2003, petitioner received another letter from respondent City Treasurer dated October 21, 2003, also denying its protests for the third and fourth quarter of the same year.

Petitioner then filed its appeal with the Parañaque LBAA on August 1, 2003[18] for the first and second quarter assessments docketed as LBAA Case No. 2003-03; on October 20, 2003[19] for the third quarter assessment and penalties assessed on previous real estate tax payments on Properties docketed as LBAA Case No. 2003-08; and finally, on January 2, 2004[20] for the fourth quarter assessment docketed as LBAA Case No. 2003-12, praying that the subject assessments be declared null and void since the said assessments violated Department of Finance Local Assessment Regulations No. 1-92 (DOFLAR 1-92) and Parañaque City Ordinance No. 96-16.

[8] Par. 5, Annex "A-1", Petition for Review, CTA En Banc Rollo, p. 24
[9] Par. 6, Annex "A-1", Petition for Review, CTA En Banc Rollo, p. 24
[10] *Supra* 8
[11] *Supra* 9
[12] Par. 5, Annex "A-2", Petition for Review, CTA En Banc Rollo, p. 41
[13] Par. 6, Annex "A-2", Petition for Review, CTA En Banc Rollo, p. 41
[14] *Supra* 12
[15] *Supra* 13
[16] Par. 5, Annex "A-3", Petition for Review, CTA En Banc Rollo, p. 56
[17] Par. 6, Annex "A-3", Petition for Review, CTA En Banc Rollo, p. 56
[18] Par. 8, Annex "A-1", Petition for Review, CTA En Banc Rollo, p. 25
[19] Par. 7, Annex "A-2", Petition for Review, CTA En Banc Rollo, p. 41
[20] Par. 7, Annex "A-3", Petition for Review, CTA En Banc Rollo, p. 56

On February 27, 2003,[21] April 12, 2003[22] and July 9, 2004[23] petitioner received from the Parañaque LBAA its Resolutions dated February 5, 2003, March 23, 2004 and May 31, 2004, respectively, denying petitioner's appeals solely on the ground that "[t]he appellant appears to have made no... appeal" under Sec. 226 of Republic Act 7160 "within the sixty (60) day period as provided" therein.

Aggrieved thereby, petitioner appealed the said Resolutions to the CBAA on the following dates, on March 29, 2004 which was docketed as CBAA Case No. L-51; on May 13, 2004 which was docketed as CBAA Case No. L-51A; and on August 18, 2004 which was docketed as CBAA Case No. L-58. In its appeals, petitioner prays that the Parañaque LBAA's Resolutions be reversed and the existing market values of the Properties be declared as null and void.

On September 11, 2012, petitioner received the CBAA's Decisions promulgated on July 30, 2012 ruling uniformly as follows:

> "**WHEREFORE,** premises considered, the instant Appeal is hereby DISMISSED for lack of merit.
>
> **SO ORDERED.**"

Thereafter, on September 26, 2012, petitioner filed a Motion for Reconsideration (of the 30 July 2012 Decision)[24] with the CBAA assailing the promulgated Decisions, praying that they be reversed and a new one be rendered declaring the existing market values of the Properties null and void and ordering the City of Parañaque to refund or credit to its future tax liabilities the excess payments of the real property taxes on the Properties.

On June 11, 2013, petitioner received the CBAA's Orders[25] dated February 26, 2013, ruling uniformly as follows:

> "**WHEREFORE,** premises considered, the instant Motion for Reconsideration of Petitioner-Appellant is hereby DENIED.
>
> **SO ORDERED.**"

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[21] Par. 9, Annex "A-1", Petition for Review, CTA En Banc Rollo, p. 25
[22] Par. 8, Annex "A-2", Petition for Review, CTA En Banc Rollo, p. 42
[23] Par. 8, Annex "A-3", Petition for Review, CTA En Banc Rollo, p. 56
[24] Annex "B", Petition for Review, CTA En Banc Rollo, pp. 67-79
[25] Annexes "C-1", "C-2" and "C-3, Petition for Review, CTA En Banc Rollo, pp. 80-115

Hence, on July 11, 2013, petitioner filed the instant Petition for Review *En Banc.*[26]

On October 1, 2013, this Honorable Court issued a Resolution[27] ordering respondents to file their Comment within ten (10) days from receipt of the said Resolution. In compliance, respondents filed their, through registered mail, Comment[28] on November 27, 2013.

In a Resolution[29] dated January 7, 2014, this Honorable Court resolved to give due course to the instant petition. The parties were given a period of thirty (30) days from notice thereof to file their respective memoranda after which the instant Petition for Review shall be considered submitted for decision.

On February 24, 2014, petitioner filed its Memorandum,[30] while the Memorandum (for the Respondents)[31] was filed on March 28, 2014. Accordingly, in the May 19, 2014 Resolution,[32] this Honorable Court deemed the case submitted for decision.

Petitioner alleges the following Assignment of Errors[33] in its petition, to wit:

> A. The CBAA erred in not holding the assessments as null and void on the ground that it violated the Department of Finance Local Assessment Regulation No. 1-92 and City of Parañaque Ordinance No. 96-16.
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> B. The CBAA erred in holding that the Assessments are final and unappealable by virtue of the petitioner's failure to timely question [*sic*] on appeal before the Parañaque LBAA.

Anent its first assignment of error, petitioner asserts that respondent City Assessor failed to take into consideration in its assessments Section 26

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[26] CTA En Banc Rollo, pp. 1-19
[27] CTA En Banc Rollo, pp.120-121
[28] CTA En Banc Rollo, pp. 122-127
[29] CTA En Banc Rollo, pp. 130-131
[30] CTA En Banc Rollo, pp. 132-143
[31] CTA En Banc Rollo, pp. 144-149
[32] CTA En Banc Rollo, pp. 152-153
[33] CTA En Banc Rollo, pp. 7-8

and 27 of the DOFLAR No. 1-92 and Sections 3 and 5 of Parañaque City Ordinance No. 96-16, which reads as follows:

DOFLAR No. 1-92

"**SECTION 26. Depth Influence and Standard Lot Depth.** – It is a recognized fact that the urban lot value tapers from street frontage to the rear. The nearest portion or strip to the street has the highest value and the value of each successive parallel strip across a given lot decreases as distance to street increases. This brings about the necessity of adopting a standard depth for each residential or commercial land. Considering that individual lots used for industrial purposes are generally large in area, standards depth for industrial lands may not be considered.

The standard depth may be established after careful study of various depths in the locality. If, for instance the dominant or prevailing lot depth among the residential lots in the city or municipality is 20 meters, this depth maybe fixed as a standard depth for residential lands within the locality. Standard depth for commercial lands shall be established in similar manner.

SECTION 27. Unit Value Construction – Lot values taken from sales transactions shall be translated into value per square meter attributed to the frontage strip within the standard depth. For a lot conforming to the established standard depth and space (rectangular), estimating value per square meter would be an easy process. This is done by merely dividing the total purchase price by its area. However, the same becomes complicated if a lot not rectangular in shape whose depth exceeds the standard.

For instance, a residential lot of 20 by 75 meters or 1500 square meters in area, is sold at ₱100.00 per square meter or ₱150,000.00. Suppose further that the standard depth established for residential lands in the locality is 20 meters and the percentage values are 100% for the first strip; 80% for the second strip; 60% for the third strip; 40% for the fourth strip and 20% for the remaining strip or strips. The value per square meter of the area within each strip may be computed as follows:

STRIP	WIDTH	x	DEPTH	AREA	% VALUE	EFFECTIVE AREA
1	20	x	20	400	100%	400 sq. m.
2	20	x	20	400	80%	320 sq. m.
3	20	x	20	400	60%	240 sq. m.
4	20	x	15	300	40%	120 sq. m.
				1,500 sq. m.		1,080 sq. m.

The value per square meter of the first strip is equivalent to ₱50,000 divided by 1,080 Sq. M. (Effective area) or ₱138.89. The unit value for the second, third and fourth strips are ₱111.11 (80% of 138.89); ₱83.33 (60% of 138.89); and ₱55.66 (40% of 138.89); respectively.

> The unit sales values which corresponds to the first strip of the lots involved in the sale analysis are the values to be entered in column 8 of DF-RPA (SMV) Form No. 1 attached herewith, marked as Annex "B"."

and <u>Parañaque City Ordinance No. 96-16</u>

> "**Section 3.** Land beyond the standard depth of 25 meters for residential land, 30 meters for commercial land and 50 meters for industrial land shall be valued 80% for the second strip, 60% for the third strip and 40% of the base value for the remaining area, provided, however that in case the parcel of land abutting two streets or roads on two sides with different base value, the stripping and valuation thereof shall be based on the principal street or road with the higher base value, but in no case shall the value of the last strip be lower than the value provided for in the other street.
>
> **Section 5.** For low and sunken areas of land, a reduction from the base value per square meter may be allowed due to the cost of filling and compaction to bring the same at par with the adjoining developed lots. Provided, however, that such reduction will, in no case exceeds 30% of the base value thereof."

Petitioner explains that the above-cited provisions mandate that the "stripping method" of valuation be used in the appraisal of properties. Under the said method, the assessed values of parcels of land which are not located along the streets shall be reduced by percentages corresponding to their location *vis-à-vis* the streets. In other words, those parcels of land located farther from the streets are valued at lesser amounts than those located nearer or along them. Also, under the city ordinance, sunken lots should have reduced assessment values since development costs are needed to make such lots at par with the adjoining developed lands.

However, respondent City Assessor still imposed a uniform rate of ₱6,000 per square meter (except Tax Declarations Nos. E-015-05803 and E-015-06704) on petitioner's Properties.

Petitioner now argues that the estimated six (6) hectares of its Properties which are under deep water should be allowed reductions up to 30% of the base values thereof. It claims that while provinces, cities and municipalities are primarily responsible for the administration of real property taxes, they still must comply with the rules and regulations issued by the DOF. Accordingly, the failure of respondent City Assessor to apply the "stripping method" of valuation is not merely erroneous but a complete disregard of the statutory standard mandated by the DOFLAR 1-92 and

Parañaque City Ordinance No. 96-16, thereby making the assessments issued against it void and absolutely without effect.

On the other hand, respondents aver that contrary to its allegation that the assailed assessments violated Parañaque City Ordinance No. 96-16, petitioner questioned beforehand the constitutionality of the same city ordinance with the Regional Trial Court (RTC) of Parañaque City-Branch 274.[34] The RTC upheld the constitutionality of the said city ordinance and eventually dismissed petitioner's complaint and denied its subsequent motion for reconsideration. Now, petitioner's first assignment of error claims that the subject assessments violated DOFLAR No. 1-92 and Parañaque City Ordinance No. 96-16. Clearly this has no basis since it was petitioner who filed a case questioning the validity and constitutionality of the allegedly violated city ordinance.

With regard to its second assignment of error, petitioner argues that in the absence of a valid appraisal and assessment, there could have been no effective notice made to petitioner according to the cases of *Ismael A. Mathay, Jr. vs. Victor J. Macalincag, et al. (Mathay Case);*[35] *Alejandro B. Ty, et al. vs Hon. Aurelio C. Trampe, et al. (Ty Case);*[36] and *Basey Wood Industries, Inc. vs. Board of Assessment Appeals of Samar and Provincial Assessor of Samar (Basey Wood Case),*[37] thereby making the prescriptive period within which to appeal with the LBAA, as provided for under Section 226 of R.A. No. 7160, otherwise known as "Local Government Code of 1991" , inapplicable.

Meanwhile, respondents assert that respondent CBAA correctly dismissed petitioner's appeal for being filed out of time in accordance with Sec. 226 of R.A. No. 7160

After thorough evaluation of the records of the case and the arguments presented by the parties in their respective pleadings, this Court finds no merit in the instant petition.

In the instant case, respondent CBAA dismissed petitioner's appeals on the ground that it failed to file the said appeals within the prescribed period provided for by law. Respondent CBAA claims that petitioner should

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[34] Docketed as Civil Case No. C.V. 03-52 (Belle Bay City Corp. vs. City Treasurer of Parañaque City)
[35] G.R. No. 97618, December 16, 1993
[36] G.R. No. 117577, December 1, 1995
[37] CBAA Case No. 100, May 12, 1978

have appealed the assessments within sixty (60) days in accordance with Section 226 of R.A. 7160, to wit:

> "**Section 226**. ***Local Board of Assessment Appeals.*** - Any owner or person having legal interest in the property who is not satisfied with the action of the provincial, city or municipal assessor in the assessment of his property may, within sixty (60) days from the date of receipt of the written notice of assessment, appeal to the Board of Assessment Appeals of the provincial or city by filing a petition under oath in the form prescribed for the purpose, together with copies of the tax declarations and such affidavits or documents submitted in support of the appeal." (Underscoring Ours)

Based on the above-cited provision, the sixty (60) day period within which to file an appeal before the LBAA shall be counted *from the date of receipt of the written notice of assessment.*

Unfortunately, since the actual dates of receipt of the assailed assessments are not indicated in the parties' pleadings, the exact date thereof cannot be specifically ascertained. However, assuming *arguendo,* that the date when petitioner paid under protest the assailed assessments was the same date that it received the assailed assessments, such would reveal that petitioner still failed to perfect its appeal with the LBAA within the period provided for by law. For ease of reference, the table below should help shed light to the controversy:

Assessments	Date Paid	Assuming the Date of Receipt of Assessments	Date of Appeal with the LBAA
1st Quarter	March 31, 2003[38]	March 31, 2003	August 1, 2003[39]
2nd Quarter	April 16, 2003[40]	April 16, 2003	August 1, 2003[41]
3rd Quarter	July 18, 2003[42]	July 18, 2003	October 20, 2003[43]
4th Quarter	October 20, 2003[44]	October 20, 2003	January 2, 2004[45]

As gleaned above, petitioner's appeals were filed more than the prescribed sixty (60) day period provided for by Section 226 of R.A. 7160. In fact, petitioner belatedly filed its appeal with the LBAA one hundred twenty two (122) days after receiving its first quarter assessment; one

[38] Par. 5, Annex "A-1", Petition for Review, CTA En Banc Rollo, p. 24
[39] Par. 8, Petitioner's Memorandum, CTA En Banc Rollo, p. 134
[40] Par. 5, Annex "A-1", Petition for Review, CTA En Banc Rollo, p. 24
[41] Par. 8, Petitioner's Memorandum, CTA En Banc Rollo, p. 134
[42] Par. 5, Annex "A-2", Petition for Review, CTA En Banc Rollo, p. 41
[43] Par. 8, Petitioner's Memorandum, CTA En Banc Rollo, p. 134
[44] Par. 5, Annex "A-3", Petition for Review, CTA En Banc Rollo, p. 56
[45] Par. 8, Petitioner's Memorandum, CTA En Banc Rollo, p. 134

hundred six (106) days after receiving its second quarter assessment; ninety four (94) days after receiving its third quarter assessment; and seventy four (74) days after receiving its fourth quarter assessment.

Accordingly, the LBAA, as affirmed by respondent CBAA, correctly dismissed petitioner's appeals for being filed out of time.

A taxpayer's failure to question the assessment before the LBAA renders the assessment of the local assessor final, executory and demandable. Such failure precludes the taxpayer from questioning the correctness of the assessment, or from invoking any defense that would reopen the question of its liability on the merits.[46]

Petitioner, likewise, argues that the factual milieus presented in the instant case are almost similar to *Mathay Case,*[47] *Ty Case,*[48] and *Basey Wood Case.*[49] In the said cases, the assessments issued by the city assessors were declared null and void, not because the assessors are without authority to issue the assessments, but because they were prepared in violation of Presidential Decree (P.D.) No. 921[50] and P.D. No. 853,[51] respectively. Petitioner continues that the doctrinal pronouncements in said cases should be applied in the instant case because petitioner likewise assails the validity of the assessments issued against it on the ground that the respondent City Assessor failed to comply with the explicit requirements of DOFLAR No. 1-92 and Parañaque City Ordinance No. 96-16. In other words, the sixty (60) day period under Section 226 of R.A. 7160 should not be applied to cases where the assessments are invalid because it was issued in violation of laws, rules and regulations, such as the one in the instant case

Again, petitioner's argument is misplaced.

The Supreme Court, in the *Mathay Case,* which was thereafter reaffirmed in the *Ty Case,* categorically ruled that the Schedule of Market Values solely prepared by the assessor was without force and effect for

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[46] Napocor vs. Province of Quzon, et al., G.R. No. 171586, July 15, 2009
[47] *Supra* 35
[48] *Supra* 36
[49] *Supra* 37
[50] Entitled "Providing For The Administration Of Local Financial Services In Metropolitan Manila, Creating Local Treasury And Assessment Districts Therein, And For Other Purposes", April 12, 1976
[51] Entitled "Providing For The Classification And Valuation Of Timber And Forest Lands For Purposes Of Real Property Taxation", December 19, 1975

having been made in violation of P.D. No. 921. In the said cases the Supreme Court held that:

In the *Mathay Case:*

> "The Court has reviewed the records of all these three (3) cases and finds that the Central Board of Assessment Appeals has proceeded correctly as regards their hearing and determination. It also agrees with the Board's conclusion that the Schedules of Market Values for real properties located in Quezon City, the Municipality of Pasig and the Municipality of Makati, respectively prepared solely by the City Assessor of Quezon City, and the Municipal Assessors of Pasig and Makati, failed to comply with the explicit requirements of Presidential Decree No. 921 in relation to the corresponding Administrative Regulations promulgated by the Department of Finance (No. 7-77) on July 25, 1977, and are on that account illegal and void." (Underscoring Ours)

In the *Ty Case:*

> "Since it is now clear that P.D. 921 is still good law, it is equally clear that this Court's ruling in the Mathay/Javier/Puyat-Reyes cases (supra) is still the prevailing and applicable doctrine. And, applying the said ruling in the present case, it is likewise clear that the schedule of values prepared solely by the respondent municipal assessor is illegal and void." (Underscoring Ours)

While in the *Basey Wood Case,* the CBAA declared the assessment therein as invalid because the provincial assessor failed to observe the requirements in the assessment of timber and forest lands, to wit:

> "Petitioner-Appellant pointed out the failure of the Provincial Assessor to observe the requirements in the assessment of timber and forest lands covered by two or more provinces prescribed in P.D. 853 *xxx*
>
> *xxx xxx xxx*
>
> The records do not show that the procedure outlined above had been observed by Respondent-appellee Provincial Assessor of Samar in the appraisal and assessment of the property subject of this appeal. As a consequence, the assessment of subject property is of doubtful validity and legality." (Underscoring Ours)

In the above-quoted cases, it was clear that at the onset, the procedure taken to arrive at the subject assessments was not made in conformity with the law. The assessors acted without or in excess of their authority thereby making the subject assessments null and void. In so doing, there could have been no valid notices of assessment made to the taxpayer/petitioners concerned. Consequently, considering that no valid notices of assessment were made, the sixty (60) day prescriptive period within which to appeal to the LBAA did not commence.

Conversely, such is not obtaining in the instant case. Respondent City Assessor had the authority to make the assailed assessments. Although in the exercise of that authority the latter may have committed certain errors, petitioner is not left without recourse. It should have raised any concerns it has with the proper forum and within the proper time allotted by law. Such is the rule of procedure; such is the rule of law. Otherwise, to sustain petitioner's view would open the flood gates to unscrupulous claims with utter disregard to the prescriptive periods established by procedural law. As correctly held by the respondent CBAA:

> "Even if respondent assessor failed to observe the provisions of the Department of Finance Local Assessment Regulations No. 1-92 and/or Parañaque City Ordinance No. 96-16 in the appraisal of the subject properties, such failure does not invalidate the subject assessments. At best, such failure on the part of the respondent assessor may have made said assessments erroneous, but not null and void. Respondent Assessor had the necessary authority to make the questioned assessments, although, in the exercise of that authority, the respondent assessor may have committed some mistakes in the appraisal of some of the subject properties. Therefore, the questioned assessments are valid and, being so, Petitioner-Appellant's course of action should have been a timely appeal to the LBAA under Section 226 of R.A. 7160, which provides, *xxx*
>
> That Petitioner-Appellant received the written notice of assessment or that Petitioner-Appellant's appeal to Appellee LBAA was not filed within sixty (60) days from the date of receipt of the written notice of assessment, as prescribed under the above-quoted Section 226 of R.A. 7160, is not disputed by Petitioner-Appellant."

All told, it must be stressed that the right to appeal is not a constitutional, natural or inherent right. It is a statutory privilege of statutory origin and, therefore, available only if granted or provided by statute. Since the right to appeal is not a natural right nor a part of due process, it may be exercised only in the manner and in accordance with the provisions of law. Corollarily, its requirements must be strictly complied with. That an appeal must be perfected in the manner and within the period fixed by law is not only mandatory but jurisdictional. Non-compliance with such legal requirements is fatal, for it renders the decision sought to be appealed final and executory, with the end result that no court can exercise appellate jurisdiction to review the decision.[52]

WHEREFORE, the instant Petition for Review *En Banc* is hereby **DENIED** for lack of merit. The assailed Decisions dated July 30, 2012 and Orders dated February 26, 2013 of the Central Board of Assessment Appeals are both **AFFIRMED *in toto.***

SO ORDERED.

CAESAR A. CASANOVA
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

LOVELL R. BAUTISTA
Associate Justice

ERLINDA P. UY
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

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

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

[52] George Yao vs. Court of Appeals, et al., G.R. No. 132428, October 24, 2000

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 with the members of the Court *en banc* before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice