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REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

COMMISSIONER OF INTERNAL REVENUE,
Petitioner,

-versus-

GE CONSUMER FINANCE, INC.,
Respondent.

CTA EB NO. 1775
(CTA Case No. 9144)

Present:
Del Rosario, *P.J.,*
Castañeda, Jr.,
Uy,
Fabon-Victorino,
Mindaro-Grulla,
Ringpis-Liban,
Manahan,
Bacorro-Villena, *and*
Modesto-San Pedro, *JJ*

Promulgated:
FEB 05 2020
1:22 p.m.

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RESOLUTION

RINGPIS-LIBAN, *J*.:

For resolution is petitioner's "Motion for Reconsideration" received by the Court on July 23, 2019, without respondent's comment despite notice, as per records Verification Report dated November 27, 2019.

Petitioner seeks reconsideration of this Court's Decision dated July 5, 2019, the dispositive portion of which reads as follows:

> "**WHEREFORE**, premises considered, the Petition for Review is **DENIED** for lack of merit. The assailed Decision dated October 25, 2017 and the assailed Resolution dated January 12, 2018 are **AFFIRMED**.

SO ORDERED."

In the Resolution dated September 10, 2019, the Court *En Banc* ordered respondent to file Comment on petitioner's "Motion for Reconsideration."

On November 27, 2019, the Judicial Records Division of this Court issued a Records Verification Report stating that respondent failed to file its Comment on petitioner's "Motion for Reconsideration."

Hence, we resolve.

Petitioner moves that the Court *En Banc* grant the instant "Motion for Reconsideration," set aside the Court *En Banc*'s Decision promulgated on July 5, 2019, and deny respondent's claim for refund in the amount of P54,243,781.00.

Petitioner asserts that respondent's capital gains derived from the transfer of its shares of stock in GECRF Global Services Philippines, Inc. (GECRF PH) are not exempt from Capital Gains Tax (CGT) in the Philippines since it was not positively proven by respondent that its real property interest in the Philippines does not exceed 50%; that respondent's financial statement dated July 31, 2017 is not a duly audited financial statement, hence, it is self-serving and unreliable; that respondent failed to establish whether the real property interests in GECRF PH are located in the Philippines or outside the Philippines; that respondent failed to establish the actual real property interest of GECRF PH located in the Philippines; that the Real Property Interest Ratio located in the Philippines in GECRF PH is not adjusted as required under revenue Regulations No. 4-86; and that tax exemptions are to be construed *strictissimi juris* against the respondent.

After consideration, the Court *En Banc* resolves to deny the "Motion for Reconsideration." The Court *En Banc* reviewed the grounds relied upon by petitioner in support of his "Motion for Reconsideration" but finds no cogent reason to grant the same. The issues raised and the arguments presented in the instant "Motion for Reconsideration" are the same issues and arguments he presented before the Court in Division, and in the present Petition for Review which have already been passed upon, discussed and judiciously resolved in the assailed Decision dated July 5, 2019.

Considering that the issues and arguments presented in the instant motion are the very same arguments which petitioner stated in his Petition for Review, the Court finds it needless to reiterate the discussions made in the assailed Decision.

It must be stressed that among the ends to which a motion for reconsideration is addressed, one is precisely to convince the Court that its ruling is erroneous and improper, contrary to law or the evidence.[1] If the movant failed to do so, the motion for reconsideration must necessarily fail.

WHEREFORE, premises considered, petitioner's "Motion for Reconsideration" is **DENIED for lack of merit**. The **assailed Decision** dated July 5, 2019 is **AFFIRMED**.

SO ORDERED.

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

JUANITO C. CASTAÑEDA, JR.
Associate Justice

ERLINDA P. UY
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice

CATHERINE T. MANAHAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA G. MODESTO-SAN PEDRO
Associate Justice

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[1] *Teodulo M. Coquilla vs. The Hon. Commission on Elections and Mr. Neil M. Alvorez,* G.R. No. 151914, July 31, 2002.