REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
Quezon City

FIRST DIVISION

FIRST FAR EAST DEVELOPMENT CORPORATION, *Petitioner,*	**CTA CASE NO. 9678**
-versus-	Members: **Del Rosario,** *P.J., Chairperson, and* **Manahan,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, *Respondent.*	Promulgated: SEP 2 8 2020 10:02 am

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RESOLUTION

DEL ROSARIO, P.J.:

This resolves respondent's **Motion for Reconsideration (Re: Decision promulgated 4 June 2020)** filed through registered mail on June 30, 2020 and received by this Court on July 6, 2020, with petitioner's **Comment (On Respondent's Motion for Reconsideration)** filed on July 30, 2020.

In his Motion for Reconsideration, respondent seeks reconsideration of the Court's June 4, 2020 Decision, the dispositive portion of which reads:

> "**WHEREFORE**, the instant Petition for Review is hereby **GRANTED**. Accordingly, the 1990 tax assessments issued against petitioner for income tax, expanded withholding tax, and value-added tax in the aggregate amount of P24,357,722.32, are hereby **CANCELLED** and **WITHDRAWN**.
>
> **SO ORDERED**."

Respondent claims that this Court erred in cancelling the deficiency income tax, expanded withholding tax and value added tax assessments against petitioner. He insists that his right to collect deficiency taxes from petitioner has not yet prescribed as his right to collect may be suspended when a taxpayer requests for a reinvestigation and such request is granted by him. Allegedly, petitioner's request for reinvestigation was impliedly granted by respondent when a notice of hearing dated April 5, 1994 was sent to petitioner requiring the latter to present documentary evidence in support of its protest.

Respondent likewise reiterates that petitioner failed to allege the facts and the law to dispute the audit findings for deficiency taxes; as such, petitioner impliedly admitted the facts and the law upon which the deficiency tax assessment was based.

In its Comment, petitioner contends that respondent has not offered compelling evidence to support his assertion, nor raised new matters justifying reversal of the challenged decision.

The Court finds that respondent's arguments raised in the present Motion for Reconsideration are mere reiteration of his arguments presented in his Memorandum filed on March 4, 2019, all of which were duly considered in the assailed Decision. The Court has clearly discussed in the assailed Decision that the assessed taxes may no longer be collected on the ground of prescription, and to repeat the disquisition on this point is a mere superfluity.

All told, this Court finds no justifiable reason to disturb much more reverse the assailed Decision.

WHEREFORE, premises considered, respondent's **Motion for Reconsideration (Re: Decision promulgated 4 June 2020)** filed on June 30, 2020 is **DENIED** for lack of merit.

SO ORDERED.

ROMAN G. DEL ROSARIO
Presiding Justice

I CONCUR:

CATHERINE T. MANAHAN
Associate Justice