REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

PRIME INVESTMENT KOREA, INC., Petitioner,	**CTA Case No. 9814**
	Members:
- versus -	**DEL ROSARIO,** *P.J., Chairperson,* and **MANAHAN,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: MAY 19 2021 2:02 pm

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RESOLUTION

DEL ROSARIO, *P.J.*:

This resolves petitioner's **"Motion for Reconsideration [of Decision dated November 19, 2020]"** filed on December 11, 2020.

Petitioner prays that the assailed Decision dated November 19, 2020 be reconsidered and judgment be rendered declaring petitioner as exempt from corporate income tax on revenues derived from its junket gaming operations, and ordering respondent to grant a refund or issue a tax credit certificate in the amount of ₱14,126,817.00, representing corporate income tax erroneously paid by petitioner on junket gaming operations for taxable year 2015. The dispositive portion of the assailed Decision states:

> "**WHEREFORE**, premises considered, the present Petition for Review is **DENIED** for lack of merit.
>
> **SO ORDERED.**"

In support of its Motion, petitioner insists that its income from its junket gaming operations, which is essentially casino operations, falls under Section 13(2) of Presidential Decree (PD) No. 1869, and thus should be exempt from income tax. Furthermore, it asserts that Revenue Memorandum Circular (RMC) No. 33-2013 deserves scant consideration for being inconsistent with PD 1869. According to petitioner, the same should only apply to the characterization of Philippine Amusement and Gaming Corporation (PAGCOR)'s income and not to its contractees or licensees.

Citing *PremiumLeisure and Amusement, Inc. vs. Commissioner of Internal Revenue*,[1] where the Court granted the income tax refund on the basis that the taxpayer therein is a contractee and licensee of PAGCOR and, thus exempt from income tax on gaming revenues; and *Travellers International Hotel Group, Inc. vs. Commissioner of Internal Revenue*,[2] where the Court cancelled the assessment of income tax on the taxpayer's income from gaming operations, petitioner asserts that its claim for refund should likewise be granted.

THE COURT'S RULING

Petitioner's Motion is bereft of merit.

The Court finds that no new issues or arguments are raised in petitioner's Motion for Reconsideration. Petitioner merely repleads and amplified its previous arguments, all of which have been duly considered and passed upon in the assailed Decision dated November 19, 2020, particularly on pages 10 to 14 thereof.

Truth to tell, the cases cited by petitioner involved income from casino operations and not income from junket operations. Income from junket operations are not tax-exempt as clearly settled in *Bloomberry Resorts and Hotels, Inc. vs. Bureau of Internal Revenue*.[3]

All told, there is no compelling reason for the Court to modify, much more, to reverse its assailed Decision dated November 19, 2020.

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[1] CTA Case No. 9798, September 2, 2020.
[2] CTA Case No. 9769, September 8, 2020.
[3] G.R. No. 212530, August 10, 2016.

WHEREFORE, in light of the foregoing premises, petitioner's **Motion for Reconsideration** filed on December 11, 2020 is **DENIED** for lack of merit.

SO ORDERED.

ROMAN G. DEL ROSARIO
Presiding Justice

***I CONCUR*:**

CATHERINE T. MANAHAN
Associate Justice