REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

OFFICE OF THE PROVINCIAL TREASURER OF BATAAN, REPRESENTED BY THE PROVINCIAL TREASURER, EMERLINDA S. TALENTO, PROVINCE OF BATAAN, WALLY DE LARA DIZON, KRISTINE MONSALE AND REGISTER OF DEEDS OF BATAAN, Petitioners,	CTA AC NO. 205 Members: DEL ROSARIO, *P.J., Chairperson,* FABON-VICTORINO, *and* MANAHAN, *JJ.*
-versus-	
BATARASA CONSOLIDATED, INC., RUEL SANTOS ACOT, ARMI PITPITAN MARAVILLO, ARNI SIOCO DOMINGO, MICHAEL MUARES NACION, CHERYL GRACE LUTERO, HELENITA SAYAWAN PABIANO, VANESSA REOVOCA DIESO, ANTONIO GABEN GABAISAN, HENRY SENOC MALINAO, ARNULGO BITANGA ORDENIZA, MELVIN ZAMORA CAMYON, JOVENCIO BOHA BAYRON, JR., CARLITO ARNOZA GONZAGA, NOEL NARIDO TADEPA, ALEXANDER MAGPANTAY BALTAZAR, MELDY PACIA CAPINO, GERADO L. RAMIREZ, FLORENTINO GACILOS, VICTOR MASIBAY, AGUSTIN DEROD, ROLANDO RADAZA,	

JOEL RONDEZ, NELYNDA DECLARO, ROWENA N. ABANCI, MARY ANN G. SALIDO, CYNDI V. SY, CLYNT E. DE JESUS, MARIMEL M. AUMENTADO, JORGE T. AMORA, JUAN MIGUEL R. BONDOC, APRIL MARIE M. VIAJE, JOSE MARIANO R. BONDOC III, ETHELBERT P. DAPITON, ERNIE PONCE, LUCIANO PONCE, JOEL WAJE, LOURDES LEOSAME, DIOMEDES MANALANSAN, ALBERTO PANTIG, JOSEPH CAWILI, RONNIE D. DOMINGO, ROLAND T. MANGULABNAN, HERMINIO NUGUID, RUPERTO LOS BANEZ, REYNALDO DELA CRUZ, joined by their respective spouses and represented by their attorney-in-fact, BATARASA Consolidated, Inc.,

Respondents.

Promulgated:

JUL 2 9 2020 1:35 pm

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RESOLUTION

***Fabon-Victorino, J.*:**

In the Decision dated January 14, 2020, the instant Joint Petition for Review dated July 4, 2018 was dismissed on jurisdictional ground as petitioner failed to set out material allegations in their Petition for Review constituting a clear and specific local tax case cognizable by the Court pursuant to Section 7(a)(3) of Republic Act (RA) No. 1125, as amended, as implemented by Section 3, Rule 4 of the Revised Rules of the Court of Tax Appeals (RRCTA), as amended.

Undaunted, petitioners filed a Motion for Reconsideration dated March 12, 2020, contending that the case involves application of Section 261 of the Local Government Code (LGC), hence, a local tax case properly cognizable by the Court since their appeal involves persons who could validly exercise right of redemption of property sold at public auction to satisfy real property tax (RPT) liability.

Allegedly, private respondents themselves recognized in their Comment to the instant Petition that the instant case involves local taxes arguing that the foreclosure of the subject real properties were void as the RPT due thereon were already paid by them.

With the opposite view, respondents claim that the present controversy neither involve RPT assessments, nor validity or efficacy of local tax ordinances, nor refund or credit of RPT, thus, may not be classified as a local tax case falling under the jurisdiction of the Court.

Further, the material allegations in the complaint determine the jurisdiction of the court. For respondents, the complaint they filed before the Regional Trial Court (RTC) could not be categorized as a local tax case for it simply sought: a) to enjoin petitioners from effecting transfers of ownership of real properties; b) consignation and subsequent acceptance by the Provincial Treasurer's Office of the redemption price of ₱2,600,740.61; and c) damages. Since the Petition failed to raise any matter pertaining to local taxation, its dismissal on jurisdictional ground is in order.

The instant Motion must be denied.

Basic is the rule that the nature of the action, as well as the court which has jurisdiction over it is defined by the material allegations in the complaint, as well as the character of the relief sought.[1] As a necessary consequence, the jurisdiction of the

[1] See *De Vera vs. Spouses Santiago, Sr.,* G.R. No. 179457, June 22, 2015; *Samson vs. Spouses Gabor,* G.R. No. 182970, July 23, 2014; *Ruby Shelter Builders and Realty Development Corporation vs. Hon. Formaran III,* G.R. No. 175914, February 10, 2009; *Spouses Mansalud vs. National Housing Authority,* G.R. No. 167181, December 23, 2008; *Villena vs. Payoyo,* G.R. No. 163021, April 27, 2007; *Huguete vs. Embudo,* G.R. No.

court cannot be made to depend upon the defenses set up in the answer or upon the motion to dismiss; for otherwise, the question of jurisdiction would almost entirely depend upon the defendant.[2] Thus, to determine whether the Court has legal competence over the given controversy, the examination of the allegations in the complaint filed before the court *a quo* is in order.

In their *Complaint* instituted before the RTC, respondents prayed for the following relief: (1) injunction to restrain petitioners to effect the transfer of ownership of the subject parcels of land, and for petitioner Registry of Deeds of Bataan from cancelling OCT CLOA Nos. 10128, 10129, 10130, 10131, 10132, 10134 and 10136, and issuing new titles in favor of petitioners Province of Bataan, Wally De Lara Dizon, and Kristine Monsale; (2) consignation; (3) to compel petitioner Treasurer's Office to accept the redemption price of ₱2,600,740.61 and to issue certificates of redemption in favor of respondents; and (4) damages.

Evidently, the case before the RTC which was elevated to this Court does not involve any local tax conflict or controversy cognizable by this Court. To be precise, it does not call for the application of relevant statutes on assessment or refund of RPT, and/or its concomitant statutory increments, nor does it involve matters of validity or constitutionality of a local tax measure. For this reason, the judgment rendered by the RTC may not be a proper subject of review by the Court in consonance with Section 7(a)(3) of RA No. 1125, as amended, as implemented by Section 3, Rule 4 of the RRCTA.

Moreover, it was ruled in *Salva vs. Magpile*[3] that issues pertaining to purported non-adherence with the provisions relating to tax delinquency sale *sans* any showing that the aggrieved party assailed the legality or validity of a local tax assessment and collection may not be branded as a local tax case cognizable by the Court.

149554, July 1, 2003; and *Caiza vs. Court of Appeals,* G.R. No. 110427, February 24, 1997.

2 *City of Dumaguete vs. Philippine Ports Authority,* G.R. No. 168973, August 24, 2011.

3 G.R. No. 220440, November 8, 2017.

WHEREFORE, petitioners' Motion for Reconsideration dated February 12, 2020 is **DENIED**. The impugned Decision dated January 14, 2020 is **AFFIRMED**.

SO ORDERED.

ESPERANZA R. FABON-VICTORINO
Associate Justice

We concur:

ROMAN G. DEL ROSARIO
Presiding Justice

CATHERINE T. MANAHAN
Associate Justice