REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

PEOPLE OF THE PHILIPPINES,
Petitioner,

CTA *EB* NO. 2188
(CTA OC No. 024)

-*versus*-

Present:

DEL ROSARIO, *P.J.,*
CASTAÑEDA, JR.,
UY,
RINGPIS-LIBAN,
MANAHAN,
BACORRO-VILLENA, and
MODESTO-SAN PEDRO, *JJ.*

ROBIEGIE CORPORATION,
Respondent.

Promulgated:

JAN 08 2021 3:50 p.m.

x- x

D E C I S I O N

MANAHAN, J.:

Before the Court of Tax Appeals *En Banc* is the instant Petition for Review[1] filed on November 29, 2019 seeking the reversal of the Resolutions dated August 9, 2019 and November 7, 2019 issued by the Third Division of this Court (Court in Division) docketed as CTA OC No. 024 entitled, *"People of the Philippines vs. Robiegie Corporation,* the dispositive portions of which read as follows:

Resolution dated August 9, 2019

> **"WHEREFORE**, in light of the foregoing considerations, defendant's **Demurrer to Evidence is**

[1] EB Docket, pp. 1- 7.

GRANTED. Accordingly, the instant case is **DISMISSED.**

SO ORDERED."

Resolution dated November 7, 2019

"WHEREFORE, premises considered, the instant Motion for Reconsiderationn is **DENIED** for lack of merit.

SO ORDERED."

FACTS

On July 7, 2017, a complaint was filed against respondent Robiegie Corporation for the collection of alleged deficiency income tax (IT), value-added tax (VAT), increments for late payments of withholding tax on compensation (WTC), and compromise penalties for taxable year (TY) 2007 in the amounts of Php13,439,085.49, Php10,588,871.77, Php10,907.30, Php13,217.69, and Php23,000.00, respectively, plus 20% deficiency and delinquency interest per annum.[2]

On July 31, 2017, Summons was issued by the Court requiring respondent (defendant therein) to file an Answer to the Complaint within fifteen (15) days from notice.[3]

On August 4, 2017, a Return of Summons was issued by the Process Server indicating that the respondent has already moved out from the given address, thus could not be served.[4]

On September 19, 2017, the Court issued an Order requiring plaintiff to furnish the Court with the correct address of respondent.[5]

On October 2, 2017, plaintiff filed its Compliance stating therein the correct address of respondent. A new Summons was issued on October 5, 2017 but could not be served

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[2] Resolution dated August 9, 2019; Complaint filed by plaintiff, Court Docket, pp. 6-15.
[3] Court Docket, Volume I, page 80.
[4] Court Docket, Volume I, page 81.
[5] Court Docket, Volume I, page 82.

because the respondent has already moved out of the said address.

Finally, the Summons was served upon the respondent on March 6, 2018.[6]

Respondent filed its Answer to the Complaint on March 20, 2018.[7]

Thereafter, a Pre-Trial conference was conducted on June 21, 2018.[8]

After the Pre-Trial Conference, the parties submitted their Joint Stipulation of Facts and Issues (JSFI) on July 6, 2018[9] which was approved by the Court in a Resolution dated July 25, 2018.[10]

The admitted facts as contained in the Pre-Trial Order dated August 15, 2018,[11] are as follows:

1. Plaintiff is the Republic of the Philippines, a political entity to whom all citizens and persons deriving income within its territory have the obligation to pay taxes. The power of taxation is exercised by plaintiff through the Bureau of Internal Revenue (BIR). The BIR is represented by the Commissioner of Internal Revenue who is empowered to perform the duties of said office, including, among others, the power to assess and collect all national internal revenue taxes, fees and other charges, and to enforce all forfeitures, penalties and fines connected therewith, with office address at BIR National Office Building, BIR Road, Diliman, Quezon City. The Commissioner of Internal Revenue is represented in litigation proceedings by the legal officers of the BIR in collaboration with the Office of the Solicitor General (OSG). He may be served with notices, summons, and other documents through the BIR-Legal Division, Revenue Region No. 6, Bureau of

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[6] Court Docket, Volume I, page 102.
[7] Court Docket, Volume I, page 103.
[8] Court Docket, Volume I, page 299.
[9] Court Docket, Volume I, pp. 313-318.
[10] Court Docket, Volume I, page 325.
[11] Court Docket, Volume I, pp.346-356.

Internal Revenue-Manila, 5th Floor Building I, Solana St., Intramuros, Manila;

2. Defendant Robiegie Corporation (Robiegie) is a corporation registered with the Securities and Exchange Commission and is engaged in the business of operating a drugstore with business address at No. 1614 Rizal Ave., Sta. Cruz, Manila. It may be served with all pleadings, orders, resolutions and court processes through its counsel Atty. Roland D. Baltazar with office address located at 1716 Remigio St., Sta. Cruz, Manila;

3. Dolores M. Galicia and Grace Galicia Sucksuphan are the President and Treasurer, respectively of defendant Robiegie Corporation;

4. On April 15, 2008, defendant filed its Annual Income Tax Return and Audited Financial Statements for December 31, 2007 and 2006 at Equitable PCI Bank Ronquillo Branch;

5. On September 10, 2010, defendant submitted its documents to contest the deficiency taxes as reflected in the Notice for Informal Conference with Computation of Deficiency Taxes and Details of Discrepancies;

6. On December 30, 2011, defendant filed a Letter Protest dated December 29, 2010 to the Preliminary Assessment Notice with Details of Discrepancies dated December 13, 2010 and the same was given due course;

7. On March 02, 2011, letter dated March 02, 2011 was issued, served to, and received by defendant at its registered address at 1614 Rizal Ave., Sta. Cruz, Manila, informing the latter that its protest was assigned to RO Ricona C. Pielago and Group Supervisor Gerardo N. Guido. In the same letter, Robiegie was invited to appear before Revenue District Office No. 31 and required to submit supporting documents to dispute the assessments;

8. On March 30, 2011, defendant in a letter dated March 29, 2011 addressed to the BIR, requested that it be given time to attend the Protest Letter on 2007 deficiency tax after the tax season;

9. Warrant of Distraint and/or Levy dated October 21, 2013 was issued and served to the defendant at its registered address at 1614 Rizal Ave., Sta. Cruz, Manila, but no property could be located that may be distraint *(sic)* or levied upon for the satisfaction of its tax liabilities;

10. Defendant did not acquire any property during its existence and likewise has no existing bank account;

11. On various dates, the Warrants of Garnishment were issued to different banks but it has no existing bank deposits that could be garnished;

12. It must be noted that the Final Assessment Notices and the corresponding Formal Letter of Demand with Details of Discrepancies were sent to Robiegie on January 14, 2011. Thus, the BIR's right to collect the subject taxes may be enforced within five (5) years therefrom or until January 14, 2016.

During trial, plaintiff presented revenue officers (ROs) Andres B. Bisares, John Paul A. Leonardo, Ma. Paz L. Arcilla, Benhur C. Nacorda, Ricona C. Pielago, Benedicto August M. Cruz, and Maricel O. Domingo.

On January 30, 2019, the plaintiff filed its Formal Offer of Evidence.[12]

On February 6, 2019, respondent filed its Comment and/or Objection to Plaintiff's Formal Offer of Evidence.[13]

On February 12, 2019, respondent filed a Motion for Leave of Court to File Demurrer to Evidence.

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[12] Court Docket, Volume I, pp. 373-390.
[13] Court Docket, Volume I, pp. 466-469.

On February 13, 2019, the Court issued an Order directing plaintiff to file a comment to the aforesaid motion of respondent within ten (10) days from notice.

Plaintiff failed to file its comment within the period prescribed by the Court which led to the issuance of a Resolution dated April 1, 2019, granting respondent's Motion for Leave of Court to File Demurrer to Evidence.[14]

Meanwhile, the Court issued a Resolution dated March 15, 2019, admitting the following exhibits of petitioner:

> Exhibits "P-1", "P-2", "P-3, "P-4". "P-5", "P-6", "P-7", "P-8", "P-9", "P-10", "P-11", "P-12", "P-15", "P-16", "P-17, "P-19", "P-20", "P-21", "P-22", P-23", "P-24", "P-25", P-26", "P-27", "P-28", "P-29", "P-30", "P-32", "P-33", "P-34", "P-35, "P-36", "P-37, "P-38", "P-39", "P-40", "P-41", "P-42", "P-43", "P-44", "P-45", "P-48, "P-49", "P-51, "P-51-a", "P-52", "P-52-a", "P-53. "P-53-a", "P-54", "P-54-a", "P-55", P-55-a", "P-56", "P-56-a", "P-57", and "P-57-a".

On April 15, 2019, respondent filed its Demurrer to Evidence.[15]

On May 20, 2019, plaintiff filed its Opposition to the Demurrer to Evidence.[16]

On August 9, 2019, the Court in Division granted respondent's Demurrer to Evidence on the ground that the evidence presented by plaintiff is insufficient to establish its entitlement to the relief sought in its Complaint and consequently dismissed CTA OC No.024.

On September 5, 2019, plaintiff filed a Motion for Reconsideration (Re: Decision promulgated on August 9, 2019).

On September 18, 2019, respondent filed its Comment/Opposition to the Motion for Reconsideration filed by Plaintiff.

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[14] Court Docket, Volume I, page 479.
[15] Court Docket, Volume I, pp.480- 482.
[16] Court Docket, Volume I, pp. 485-488.

On November 7, 2019, the Court in Division denied plaintiff's Motion for Reconsideration.

On November 29, 2019, plaintiff filed a Petition for Review with the Court *En Banc* which was docketed as CTA *EB* No. 2188.[17] Plaintiff is now the petitioner in the Court *En Banc*.

On December 11, 2019, respondent filed its Comment/Opposition to the Petition for Review.[18]

On January 8, 2020, this case was submitted for decision.

ISSUE

The present Petition for Review is anchored on the following error allegedly committed by the Court in Division:

> "The CTA Third Division erred in holding that the tax assessments are invalid for want of authority of the revenue officers who conducted the audit/examination, through a Letter of Authority (LOA)."

RULING OF THE COURT *EN BANC*

Petitioner asserts that the right of the BIR to collect is grounded on the existence of deficiency tax assessments which have become final, executory and demandable for failure to appeal the Final Decision on Disputed Assessment (FDDA) to the CTA pursuant to Section 228 of the 1997 National Internal Revenue Code (NIRC), as amended, and relevant regulations.

Petitioner addresses the alleged error of the Court in Division which granted respondent's Demurrer to Evidence due to the BIR's failure to issue a new LOA authorizing the subsequent ROs to conduct the reinvestigation of respondent's books of accounts and accounting records for taxable year 2007.

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[17] EB Docket, pp. 1-8.
[18] EB Docket, pp. 38-41.

Petitioner's perspective differs with the ruling of the Court in Division on the significance of issuing an LOA to clothe its revenue officers to conduct a tax investigation and avers that an LOA is not the only authority to empower the latter and that a Memorandum of Assignment (MOA) will suffice.

Petitioner posits that Paragraph IV of Revenue Memorandum Order (RMO) No. 69-2010 issued on August 11, 2010 repealed all prior revenue issuances or any portions thereof which are inconsistent, including RMO No. 43-90 and RMO 12-2007. It quotes the repealing clause of said RMO 69-2010 as follows:

> "IV. Repealing Clause
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> All revenue issuances or portions thereof, which are inconsistent herewith, are hereby repealed accordingly."

Petitioner reasons that such repeal had the effect of giving an authoritative character to manual serially numbered MOAs and as such, sufficient to empower the ROs to continue the examination of taxpayers' books of accounts and other accounting records.

Petitioner also contravenes the findings of the Court in Division and alleges that LOA No. 2007 00014831 dated October 14, 2008 was issued authorizing the ROs to examine the books of accounts and other accounting records of respondent for taxable year 2007. This LOA, according to petitioner, was never revoked nor cancelled when the examination was transferred to a new set of ROs, thus rendering the same valid for all intents and purposes.

Finally, petitioner belittles the Court in Division's reliance on the case of *Medicard Philippines, Inc. vs. CIR (Medicard),*[19] and contends that the ruling therein is not applicable because said case involves a mere Letter Notice (LN) and not an LOA as in the present case.

In its Opposition to the Petition for Review, respondent reiterates its argument that the BIR did not have the requisite

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[19] G.R. No. 2227843, April 5, 2017.

authority to undertake the audit of its books of accounts and other accounting records for taxable year 2007, rendering the issued deficiency tax assessments null and void. Respondent firmly attests to the importance of issuing a new LOA for purposes of granting authority to a new set of ROs to continue the tax investigation.

Following its position that the assessments are deemed invalid, respondent concludes that petitioner has no right to collect the alleged deficiency taxes for taxable year 2007.

We agree with respondent.

We quote the findings of fact of the Court in Division in the assailed Resolution dated August 9, 2019:

> "In this case, records show that pursuant to LOA No. 2007 00014831 dated October 14, 2008, only RO Ragelyn N. Roma Cruz was authorized to examine defendant's books of accounts and other accounting records for all internal revenue taxes covering the period January 1, 2007 to December 31, 2007.
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> In the Memorandum dated July 1, 2009, the BIR through the Revenue District Officer (RDO) Conrado D. Soriano referred the tax docket of defendant to RO Roberto P. Enguerra, Jr., due to the transfer of office of RO Roma Cruz.
>
> Subsequently, a Memorandum dated February 2, 2010 was issued by RDO Teodoro A. Helva, transferring defendant's tax case to RO Andres B. Bisares for the continuation of audit due to the transfer of RO Roberto P. Esguerra, Jr. Upon RO Bisares' investigation, he found tax deficiencies against defendant and informed the latter of such deficiency through Notice of Informal Conference dated July 15, 2010.
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> Thereafter based on an Assignment Slip, RO John Paulo Leonardo took over defendant's tax case on October 27, 2010, and he prepared the Preliminary Assessment Notice (PAN) dated December 13, 2010 directed against defendant. Subsequently, the FAN/FLD dated January 14, 2011 was likewise issued to the defendant. The computations of the assessed taxes, as indicated in the FAN/FLD were done by RO John Paul Leonardo.
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> A MOA dated February 28, 2011 was later issued by RDO Hueva, assigning the case of defendant to RO Ricona C. Pielago for reinvestigation. *an*

> Clearly, the supposed authority of ROs Enguera, Bisares, and Pielago, to conduct the audit/investigation of defendant was based on the various Memorandum/MOA issued by the RDOs; while the authority of RO Leonardo was merely based on an Assignment Slip. There is nothing in the records which would show that a new LOA was issued specifically authorizing the said ROs to continue the audit investigation of defendant following the reassignment of the pertinent RO, and transfer of the case."

It is worthy to note that the Complaint filed by plaintiff with the Court in Division is for the collection of alleged deficiency taxes based on assessments issued by the BIR, hence the authority of the ROs to conduct the tax audit of petitioner's books of accounts and other accounting records is essentially related to the validity of these assessments.

The requirement to issue an LOA is based on the clear and categorical mandate of Sections 6 (A) and 13 of the 1997 NIRC, as amended, quoted as follows:

> "SEC. 6. *Power of the Commissioner to Make Assessments and Prescribe Additional Requirements for Tax Administration and Enforcement.* –
>
> (A) *Examination of Returns and Determination of Tax Due.* – After a return has been filed as required under the provisions of this Code, **the Commissioner or his duly authorized representative may authorize the examination of any taxpayer** and the assessment of the correct amount of tax: *Provided, however,* That failure to file a return shall not prevent the Commissioner from authorizing the examination of any taxpayer." (Emphasis supplied)
>
> "SEC. 13. *Authority of a Revenue Officer.* – Subject to the rules and regulations to be prescribed by the Secretary of Finance, upon recommendation of the Commissioner, **a Revenue Officer assigned to perform assessment functions in any district may, pursuant to a Letter of Authority issued by the Revenue Regional Director, examine taxpayers within the jurisdiction of the district in order to collect the correct amount of tax, or to recommend the assessment of any deficiency tax due** in the same manner that the said acts could have been performed by the Revenue Regional Director himself." (Emphasis supplied)

In the *Medicard* case, the Supreme Court ruled, thus:

"An LOA is the authority given to the appropriate revenue officer assigned to perform assessment functions. **It empowers or enables said revenue officer to examine the books of account and other accounting records of a taxpayer for the purpose of collecting the correct amount of tax**. An LOA is premised on the fact that the examination of a taxpayer who has already filed his tax returns is a power that statutorily belongs only to the CIR himself or his duly authorized representatives. Section 6 of the NIRC clearly provides as follows:

SEC. 6. *Power of the Commissioner to Make Assessments and Prescribe Additional Requirements for Tax Administration and Enforcement.* –

(A) Examination of Return and Determination of Tax Due. – After a return has been filed as required under the provisions of this Code, the Commissioner or his duly authorized representative may authorize the examination of any taxpayer and the assessment of the correct amount of tax: Provided, however, That failure to file a return shall not prevent the Commissioner from authorizing the examination of any taxpayer.

x xxx (Emphasis and underlining Ours)

Based on the afore-quoted provision, it is clear that <u>**unless authorized by the CIR himself or by his duly authorized representative, through an LOA,**</u> **an examination of the taxpayer cannot ordinarily be undertaken**. The circumstances contemplated under Section 6 where the taxpayer may be assessed through best-evidence obtainable, inventory-taking, or surveillance among others has nothing to do with the LOA. These are simply methods of examining the taxpayer in order to arrive at the correct amount of taxes. **Hence, unless undertaken by the CIR himself or his duly authorized representatives, other tax agents may not validly conduct any of these kinds of examinations without prior authority**."

Likewise, under Section 10 (c) of the 1997 NOC, as amended, it is the revenue regional director (RD) and not a revenue district officer, who is authorized to issue an LOA, to wit:

"SEC. 10. *Revenue Regional Director.* — Under rules and regulations, policies and standards formulated by the Commissioner, with the approval of the Secretary of Finance, **the Revenue Regional Director shall, within the region and district offices under his jurisdiction, among others:**

xxx xxx xxx.

> (c) **Issue Letters of Authority for the examination of taxpayer within the region**;

xxx xxx xxx."

Thus, assuming for the sake of argument that the MOA *cum* LOA authorizes the continuation of the investigation, Revenue District Officer (RDO) Teodoro A. Huelva who signed the MOA[20] holds a rank lower than an RD, hence violative of the aforequoted Section of the 1997 NIRC, as amended.

Further, in the case of *CIR vs. Sony Philippines, Inc. (Sony),*[21] the Supreme Court ruled that the absence of a valid LOA makes the assessment or examination a nullity, thus:

> Clearly, there must be a grant of authority before any revenue officer can conduct an examination or assessment. Equally important is that the revenue officer so authorized must not go beyond the authority given. **In the absence of such an authority, the assessment or examination is a nullity**. (Emphasis supplied)

Apropos, the recent case of *CIR vs. Opulent Landowners, Inc.*[22] has reiterated this jurisprudential ruling, to wit:

> "xxx xxx xxx Likewise, the CTA *EB* correctly held that the deficiency tax assessments were invalid due to the revenue officers' lack of authority to do so. Under prevailing jurisprudence, a LOA is statutorily required under the National Internal Revenue Code in order to clothe revenue officers with authority to examine taxpayers. It is axiomatic that only the revenue officers actually named under the LOA are authorized to examine the taxpayer. **This is likewise evident under the express provision of Revenue Memorandum Order No. 43-90, which provides that any re-assignment /transfer of cases to another revenue officer (s) and revalidation of a LOA which had already expired, shall require the issuance of a new LOA. In the absence of a new LOA issued in favor of the revenue officers, who recommended the issuance of the deficiency**

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[20] Court Docket, Volume I, p. 428.
[21] G.R. No. 178697, November 17, 2010.
[22] G.R. Nos. 249883-84, January 27, 2020. *au*

> **tax assessments against the respondent, the resulting assessments are void.** (emphasis supplied).

With regard to the re-assignment of the audit examination to a new set of officers, the provisions of Section C (1) and (5) of RMO 43-90 dated September 20, 1990, are clear when it provides that the continuation of an audit to replace the officer(s) named in the previous LOAs requires the issuance of a new LOA, and we quote:

> "C. Other policies for issuance of L/As.
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> 1. **All audits/investigations, whether field audit or office audit, should be conducted under a Letter of Authority**.
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> 2. The duplicate of each internal revenue tax return which is specifically indicated in the L/A shall be attached thereto, unless a return is not required under the Tax Code to be filed therefor or when the taxpayer has not filed a return or the Assessment Branch has certified that no return is on file therein or the same cannot be located.
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> 3. A Letter of Authority should cover a taxable period not exceeding one taxable year. The practice of issuing L/As covering audit of 'unverified prior years' is hereby prohibited. If the audit of a taxpayer shall include more than one taxable period, the other periods or years shall be specifically indicated in the L/A.
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> xxx xxx xxx
>
> 5. **Any re-assignment/transfer of cases to another RO(s), and revalidation of L/As which have already expired, shall require the issuance of a new L/A, with the corresponding notation thereto, including the previous Group Supervisor (GS(L/A) number and date of issue of said L/As**". (Emphasis supplied)

Based on the foregoing provisions, all audit investigations must be conducted by a designated RO, duly authorized to perform audit and examination of taxpayer's books and accounting records, pursuant to an LOA and that in case of re-assignment or transfer of cases to another RO, it is mandatory that a new LOA shall be issued in favor of the latter.

It is evident from the aforequoted provisions of law, revenue issuances and the doctrine enunciated in the

Medicard and *Sony* cases that the subject MOA and Assignment Slip cannot clothe ROs Enguera, Bisares, and Pielago with the requisite authority to continue the examination of petitioner's tax liabilities for taxable year 2007.

A Referral Memorandum does not give authority to the new set of revenue examiners to conduct an examination of the taxpayer's records but rather an LOA validly issued by the Revenue Regional Director as ruled in the CTA *En Banc* case entitled *Composite Materials, Inc. vs. CIR,*[23] which was affirmed by the Supreme Court in the case of *CIR vs. Composite Materials, Inc.,*[24] *and* we quote as follows:

> "In the case at bar, it is undisputed that the person who conducted the examination of petitioner CMI's records Revenue Officer Mary Anne P. Cruz, is not among the revenue officers authorized in LOA No. 0008746 dated September 9, 2008. Evidently, Revenue Officer Mary Anne P. Cruz is not authorized under LOA No. 0008746 to examine petitioner CMI.
>
> xxx xxx xxx
>
> **The Referral Memorandum signed by the Revenue District Officer does not give authority to Revenue Officer Mary Anne P. Cruz to conduct examination of petitioner CMI's records. On the contrary, pursuant to Sections 10 and 13 of the NIRC of 1997, as amended, it is the Revenue Regional Director who may issue an LOA."** (emphasis supplied)

Simply put, the said MOAs cannot be equated with the LOA, as required by law and jurisprudence. Correspondingly, not having a valid authority to examine or reinvestigate petitioner, the subject tax assessments issued against the latter are deemed void. Such being the case, the said tax assessments must perforce be cancelled and set aside on the principle that void assessments bear no valid fruit.[25] The tax collection case filed by petitioner against respondent must necessarily fail.

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[23] CTA *EB* No. 1314, August 15, 2017.
[24] G.R. No. 238352, September 12, 2018.
[25] *Commissioner of Internal Revenue vs. Azucena T. Reyes, etseq.*, G.R. Nos. 159694 and 163581, January 27, 2006; *Commissioner of Internal Revenue vs. Metro Star Superama, Inc.*, G.R. No. 185371, December 8, 2010; *Commissioner of Internal Revenue vs. Pilipinas Shell Petroleum Corp.*, G.R. No. 197945, July 9, 2018. *au*

We agree with the Court in Division when it emphasized that the issuance of a referral memoranda or any other similar orders for the purpose of audit examination are prohibited pursuant to paragraph IV (17) of RMO No. 12-2007, to wit:

> "IV. Policies and Procedures
>
> **17. The practice of issuing mission orders, correspondence letters, referral memoranda or any other similar orders for the purpose of audit examination and assessment of internal revenue taxes is hereby strictly prohibited.** For purposes of surveillance stocktaking, TCVD or any similar purpose, the issuance of mission orders shall be governed by the pertinent revenue issuances issued for that purpose." (emphasis supplied)

Based on the foregoing disquisitions, the Court *En Banc* finds no cogent reason to disturb the assailed Resolutions of the Court in Division.

WHEREFORE, premises considered, the Petition for Review is hereby **DENIED** for lack of merit. Accordingly, the Resolutions dated August 9, 2019 and November 7, 2019 issued by the Court in Division are **AFFIRMED.**

SO ORDERED.

CATHERINE T. MANAHAN
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

(with Concurring Opinion)
JUANITO C. CASTAÑEDA, JR.
Associate Justice

ERLINDA P. UY
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

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 before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

PEOPLE OF THE PHILIPPINES, Petitioner,	**CTA EB NO. 2188** (CTA OC No. 024)
	Present:
-versus-	DEL ROSARIO, *P.J.*, CASTAÑEDA, JR., UY, RINGPIS-LIBAN, MANAHAN, BACORRO-VILLENA, *and* MODESTO-SAN PEDRO, *JJ.*
ROBIEGIE CORPORATION, Respondent.	Promulgated: JAN 08 2021 3:50 p.m.

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CONCURRING OPINION

CASTAÑEDA, JR., *J.*:

I concur with *ponencia* of Associate Justice Catherine T. Manahan.

Specifically, it is my view that the Revenue District Officer (RDO) lacks the authority to reassign the investigation of the taxpayer from Revenue Officer (RO) *Ragelyn N. Roma Cruz* to ROs *Conrado D. Soriano*, then to *Andres B. Bisares*, then subsequently to *John Paulo Leonardo* and finally to *Ricona C. Pielago*.

It bears reiterating that, under Sections 10(c) and 13 of the National Internal Revenue Code of 1997, it is only the Revenue Regional Director that has the power to issue Letters of Authority (LOA) for the examination of taxpayers within the region. As such, the RDO cannot reassign the investigation of a taxpayer from those originally named in the LOA to a new set of ROs precisely because an RDO is bereft of any power to modify a previously-issued LOA signed by the Revenue Regional Director.

Accordingly, I vote to deny the petition.

JUANITO C. CASTAÑEDA, JR.
Associate Justice