REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

FIRST DIVISION

QUAKER OATS ASIA, INC. - PHILIPPINE BRANCH, Petitioner,	**CTA Case No. 7934**
	Members:
- versus -	**ACOSTA,** *Chairperson* **UY,** *and* **FABON-VICTORINO,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	**Promulgated:** DEC 15 2011 , 12:00 pm

x- x

DECISION

UY, J.:

Before this Court is a Petition for Review filed on June 22, 2009 by petitioner, Quaker Oats Asia, Inc.-Philippine Branch, against respondent, the Commissioner of Internal Revenue, seeking the cancellation and withdrawal of the assessments for alleged deficiency income tax and expanded withholding tax (EWT) for calendar year 2001, including interest, surcharges and compromise penalty imposed thereon, in the total amount of ₱ 4,878,659.72.

THE FACTS

Petitioner is the Philippine branch of a foreign corporation, duly licensed to do business in the Philippines by the Securities and Exchange

Commission. It holds office in the Philippines at the 21st Floor LKG Tower, 6801 Ayala Avenue, Makati City.[1]

On the other hand, respondent is the duly appointed Commissioner of Internal Revenue, vested under appropriate laws with the authority to carry out the functions, duties and responsibilities of said Office, including, *inter alia*, the power to decide disputed assessments, cancel and abate tax liabilities pursuant to the provisions of the National Internal Revenue Code (NIRC) of 1997, other tax laws, rules and regulations. She holds office at the BIR National Office Building, BIR Road, Diliman, Quezon City.[2]

On October 2, 2003, petitioner received Letter of Authority No. 2000-00069158 dated September 8, 2003 issued by Regional Director Nestor S. Valeroso, authorizing Revenue Officer Wilfredo L. Timan under the supervision of Group Supervisor Milagros C. Gatchalian of Revenue District Office (RDO) No. 43 – Pasig City, to examine the books of accounts and other accounting records of petitioner for income and withholding taxes for the period from January 1, 2001 to December 31, 2001.[3]

Subsequently, petitioner executed a "WAIVER OF THE DEFENSE OF PRESCRIPTION UNDER THE STATUTE OF LIMITATIONS OF THE NATIONAL INTERNAL REVENUE CODE", whereby petitioner consented to the assessment and/or collection of tax or taxes for the year 2001 which may be found due after the investigation at any time before or after the lapse of the period of limitations fixed by Sections 203 and 222 of the NIRC, but not later than September 30, 2005. The said Waiver was notarized on January

---

[1] Par. 1, Admitted Facts, Joint Stipulation of Facts and Issues (JSFI), Docket, p. 129. Exhibit "A".
[2] Par. 2, Admitted Facts, JSFI, Docket, p. 130.
[3] Exhibit "I", Docket, p. 390.

14, 2005 and was accepted by the Revenue District Officer, Mr. Raul Vicente L. Recto.[4]

After investigation, petitioner received, on September 26, 2005, a Preliminary Assessment Notice (PAN) from the Assessment Division of the BIR's Revenue Region No. 7, assessing petitioner for deficiency income tax in the amount of ₱ 4,797,015.58 and EWT in the amount of ₱ 7,942.01, inclusive of interest, surcharges, and penalties.[5]

Before petitioner could respond to the said PAN, it received the Formal Letter of Demand (FLD) No. 43725 dated September 30, 2005 and the corresponding assessment notices on October 7, 2005. The FLD increased the deficiency income tax assessment to ₱ 4,870,611.49 and the deficiency expanded withholding tax assessment to ₱ 8,048.23. The details are as follows:[6]

DEFICIENCY INCOME TAX			
Taxable income per return			₱ 0.00
Add: Adjustments/Disallowances per investigation			
Prior year's expense		₱ 44,397.91	
Expense of employees		3,102.96	
Expense of other companies		3,946.68	
Non-deductible expense		66,088.75	
Income payments not subjected to EWT		390,349.80	507,886.10
Taxable income per investigation			₱ 507,886.10
Income tax due thereon (32%)			₱ 162,523.55
Add: Unsupported tax credits forwarded next year			
Prior year's excess tax credits		₱ 2,236,782.00	
Tax credits claimed for the year		3,868,826.00	
Total tax credits available		6,105,608.00	
Less: Unsupported tax credits claimed	₱ 2,689,122.52		
Excess MCIT over income tax due	1,061,242.00		
Excess tax credits carry-over	5,044,366.00	8,794,730.52	2,689,122.52

[4] Exhibit "2", Docket, p. 391. Exhibit "U".
[5] Par. 3, Admitted Facts, JSFI, Docket, p. 130. Exhibit "4", Docket, pp. 374 to 376. Exhibit "B".
[6] Par. 4, Admitted Facts, JSFI, Docket, pp. 130 to 131. Exhibits "5", "6", and "7", Docket, pp. 377 to 381. Exhibit "C".

Deficiency income tax			₱ 2,851,646.07
Add: 20% interest p.a. from 4.16.02 to 10.31.05			₱ 2,018,965.42
TOTAL AMOUNT DUE			**₱ 4,870,611.49**

DEFICIENCY EXPANDED WITHHOLDING TAX

Income Payments		Amount	Rate	EWT due
Brokerage fees	January-September	₱ 264,040.30	5%	₱ 13,302.02
	October-December	67,831.01	10%	6,783.10
Wharfage	January-September	45,768.52	1%	457.69
	October-December	8,569.55	2%	171.39
Arrastre	January-September	276,905.00	1%	2,769.05
	October-December	58,745.42	2%	1,174.91
Total				₱ 24,558.16
Less: Payments				19,967.04
Deficiency EWT				₱ 4,591.12
Add: 20% Interest p.a. from 01.26.02 to 10.31.05				3,457.11
TOTAL AMOUNT DUE				**₱ 8,048.23**

On November 3, 2005, petitioner filed a letter dated October 21, 2005 to formally protest the income tax and EWT assessments. Petitioner's protest is based on the following grounds:

a) The BIR erred in computing the income tax liability of petitioner based on the regular income tax rate of 32%. Assuming that the adjustments/disallowances were proper, petitioner should be liable for the Minimum Corporate Income Tax (MCIT) as reported in its Annual Income Tax Return (ITR) for 2001;

b) The BIR erred in adding back petitioner's tax credits of ₱ 2,689,122.52 to the 2001 ITR because the said tax credits are duly supported;

c) The assessment for deficiency EWT of ₱ 8,042.23, which arose from payments of arrastre, brokerage and wharfage fees, is without legal basis because such payments are not subject to EWT;

d) The FLD and assessment notices were issued before the lapse of the fifteen-day period within which petitioner is allowed to respond to the

PAN. Hence, petitioner was denied due process guaranteed by Section 228 of the NIRC of 1997 and Section 3 of Revenue Regulations No. (RR) 12-99; and

e) The FLD and assessment notices were issued after the lapse of the three (3)-year period to assess petitioner deficiency taxes for the year 2001, pursuant to Section 203 of the NIRC of 1997.[7]

But on May 22, 2009, petitioner received a Preliminary Collection Letter (PCL) dated May 19, 2009, demanding payment in the amount of ₱ 4,878,659.72 covered by FLD No. 43725 within ten (10) days from receipt thereof. Otherwise, the BIR stated that it will avail of administrative summary remedies provided by law without further notice.[8] While the said PCL does not state that it is respondent's Final Decision on the assessment, the parties stipulated that there is legal basis (*i.e.*, the case of *Commissioner of Internal Revenue vs. Ayala Securities Corporation*[9]) to consider the PCL as a decision on the disputed assessment.[10]

Thus, petitioner filed the instant Petition for Review on June 22, 2009.

In the Answer[11] filed on August 25, 2009, respondent prays for the dismissal of the petition for lack of merit and that judgment be rendered ordering petitioner to pay the total amount of ₱ 4,878,659.72 as deficiency income and expanded withholding tax for the calendar year 2001 plus 25% surcharge and 20% annual interest from 31 October 2005 until fully paid, pursuant to Sections 248 (A) and 249 (B) of the 1997 NIRC, as amended.

---

[7] Par. 5, Admitted Facts, JSFI, Docket, pp. 131 to 132. Exhibit "D".
[8] Par. 6, Admitted Facts, JSFI, Docket, p. 132. Exhibit "F".
[9] G.R. No. L-29485, March 31, 1976.
[10] Pars. 7 to 9, Admitted Facts, JSFI, Docket, p. 132.
[11] Docket, pp. 88 to 93.

During trial, the parties presented their respective documentary and testimonial evidence. Thereafter, the case was submitted for decision on September 6, 2011, taking into consideration petitioner's filing of its Memorandum on August 9, 2011 and respondent's Memorandum filed on August 22, 2011.[12]

Hence, this Decision.

THE ISSUES

The parties submitted the following issues[13] for this Court's resolution, to wit:

> "A. Whether the right of respondent to make an assessment for income tax and creditable withholding tax for taxable year 2001 has prescribed;
>
> B. Whether petitioner was denied due process of law when the FLD was issued even before the petitioner could respond to the PAN;
>
> C. Whether the PAN and FLD contain the facts and law upon which the assessment were made as required by law, regulations, and jurisprudence;
>
> D. Whether petitioner in taxable year 2001 derived a net taxable income sufficient enough to be subjected to the regular corporate income tax rate of 32%;
>
> E. Whether petitioner has sufficient tax credits in taxable year 2001 to offset against any income tax liabilities it might have in the said taxable year;
>
> F. Assuming that the assessment on deficiency creditable withholding tax pertains to the payment to Philippine Ports Authority (PPA), whether the brokerage fees, wharfage dues, and arrastre paid to PPA are subject to creditable withholding tax; and

[12] Docket, p. 533.
[13] Docket, pp. 139 to 140.

G. Assuming that payments to PPA are subject to creditable withholding tax, whether respondent used the appropriate creditable withholding tax rates.

H. Whether or not, under the facts and the law, petitioner is liable to pay deficiency income tax and expanded withholding tax for calendar year 2001 in the total amount of P4,878,659.72."

The issue defined under Section H seems to encompass all other issues because a resolution thereof, necessarily entails looking into all the other issues mentioned under Sections A to G.

At any rate, We shall first resolve the issue on prescription.

Petitioner's arguments

Petitioner primarily contends that respondent's right to issue the subject assessments for income tax and expanded withholding tax involving the year 2001 had already prescribed. According to petitioner, Section 203 of the NIRC of 1997 gives respondent only three (3) years to assess taxes, counted from the filing of the returns or the date prescribed by law for their filing, whichever comes later.

Petitioner submits that it filed its 2001 Annual ITR on April 4, 2002 and its EWT returns on the following dates:

Month Covered	Date Filed	Exhibit
January	February 12, 2001	CC-1
February	March 12, 2001	CC-2
March	April 10, 2001	CC-3
April	May 10, 2001	CC-4
May	June 11, 2001	CC-5
June	July 10, 2001	CC-6
July	August 9, 2001	CC-7
August	September 10, 2001	CC-8
September	October 9, 2001	CC-9
October	November 12, 2001	CC-10
November	December 10, 2001	CC-11
December	January 10, 2002	CC-12

Considering that respondent issued the FLD for both income tax and expanded withholding tax only on September 30, 2005 which it (petitioner) received on October 7, 2005, apparently, more than three (3) years had passed from the time it filed its returns. Consequently, the assessments were allegedly barred by prescription.

Petitioner also points out that respondent, in order to justify the issuance of assessment beyond the three-year prescriptive period, presented a "Waiver of the Defense of Prescription under the Statute of Limitations of the NIRC", allegedly executed on January 14, 2005, to prove that the period to assess petitioner was extended until September 30, 2005.

However, according to petitioner, respondent cannot take refuge under the said Waiver to justify the belated issuance of the assessment beyond the three-year prescriptive period because of the following alleged deficiencies of the Waiver:

1. It was signed only by a Revenue District Officer and not by the Commissioner of Internal Revenue;
2. It does not state the date of execution by the taxpayer and the date of acceptance by the BIR; and
3. It does not state the amount of taxes due.

Respondent's counter-arguments

Respondent counter-argues that her right to issue the subject assessments for calendar year 2001 has not prescribed because petitioner executed a waiver on January 14, 2005, which legally and effectively extended respondent's right to assess petitioner.

Section 203 of the NIRC of 1997, as amended, limits the right of respondent to assess taxes within a three-year period, counted from the date of actual filing of the return or from the last date prescribed by law for the filing of such return, whichever comes later, to wit:

> "SEC. 203. *Period of Limitation Upon Assessment and Collection*. - Except as provided in Section 222, internal revenue taxes shall be assessed within **three (3) years after the last day prescribed by law for the filing of the return**, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period: Provided, **That in a case where a return is filed beyond the period prescribed by law, the three (3)-year period shall be counted from the day the return was filed.** For purposes of this Section, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day." *(Emphasis supplied)*

However, exceptions are allegedly provided to the "three-year" rule. Sections 222 and 223 of the same Code enumerate the instances where respondent is allowed to assess and collect taxes even beyond the three-year period. One instance is when "before the expiration of the time prescribed in Section 203 for the assessment of the tax, both the Commissioner and the taxpayer have agreed in writing to its assessment after such time, the tax may be assessed within the period agreed upon. The period so agreed upon may be extended by subsequent written agreement made before the expiration of the period previously agreed upon.[14]"

THE COURT'S RULING

Period of limitation upon the assessment of taxes.

As above-quoted, Section 203 of the NIRC of 1997 speaks of the period of limitation upon assessment and collection of taxes. Based on the said provision, internal revenue taxes must be assessed within three (3) years counted from the period fixed by law for the filing of the tax return or the actual

[14] Section 222(b), NIRC of 1997, as amended.

date of filing, whichever is later. This mandate governs the question of prescription of the government's right to assess internal revenue taxes primarily to safeguard the interests of taxpayers from unreasonable investigation. Necessarily therefore, the government must assess internal revenue taxes on time so as not to extend indefinitely the period of assessment and deprive the taxpayer of the assurance that it will no longer be subjected to further investigation for taxes after the expiration of reasonable period of time.[15]

Indeed, one of the exceptions to the three-year prescriptive period on the assessment of taxes is provided in Section 222(b) of the NIRC of 1997, to wit:

> "**SEC. 222. *Exceptions as to Period of Limitation of Assessment and Collection of Taxes*.** –
>
> xxx xxx xxx
>
> (b) If before the expiration of the time prescribed in Section 203 for the assessment of the tax, both the Commissioner and the taxpayer have agreed in writing to its assessment after such time, the tax may be assessed within the period agreed upon. The period so agreed upon may be extended by subsequent written agreement made before the expiration of the period previously agreed upon."

Section 222(b) authorizes the extension of the original three-year period by the execution of a valid waiver, where the taxpayer and the BIR agrees in writing that the period to issue an assessment and collect the taxes due is extended to an agreed upon date.[16] The rationale of a waiver is that the period agreed upon shall constitute the time within which to effect the

[15] *Commissioner of Internal Revenue vs. FMF Development Corporation,* G.R. No. 167765, June 30, 2008.

[16] *Supra.*

assessment/collection of the tax in addition to the ordinary prescriptive period.[17]

In this case, petitioner filed its Annual ITR for taxable year 2001 on April 4, 2002.[18] The date prescribed by law for the filing of said Annual ITR was on April 15, 2002.[19] Thus, following Section 203, the BIR has until April 15, 2005 to assess petitioner of its income tax liabilities for the said year.

With respect to the EWT, Section 2.58(A)(2)(a) of Revenue Regulations No. 2-98,[20] as amended, requires the filing of the withholding tax return within ten (10) days after the end of each month for the months of January until November, while the withholding tax return for the month of December must be filed on or before January 15 of the following year. Detailed below are the dates pertinent to petitioner's filing of the EWT returns:

Period Covered	Exhibit	Date of actual filing	Date of filing as required by law	Last day to assess petitioner
January	CC-1	February 12, 2001	February 12, 2001	February 12, 2004
February	CC-2	March 12, 2001	March 12, 2001	March 12, 2004
March	CC -3	April 10, 2001	April 10, 2001	April 10, 2004
April	CC-4	May 10, 2001	May 10, 2001	May 10, 2004
May	CC-5	June 11, 2001	June 11, 2001	June 11, 2004
June	CC-6	July 10, 2001	July 10, 2001	July 10, 2004
July	CC-7	August 9, 2001	August 10, 2001	August 10, 2004
August	CC-8	September 10, 2001	September 10, 2001	September 10, 2004
September	CC-9	October 10, 2001	October 10, 2001	October 10, 2004

[17] *Philippine Journalists, Inc. vs. Commissioner of Internal Revenue*, G.R. No. 162852, December 16, 2004.
[18] Exhibit "G".
[19] Section 77(B), NIRC of 1997. It provides:

"SEC. 77. *Place and Time of Filing and Payment of Quarterly Corporate Income Tax.* -

xxx xxx xxx

(B) *Time of Filing the Income Tax Return.* — The corporate quarterly declaration shall be filed within sixty (60) days following the close of each of the first three (3) quarters of the taxable year. The final adjustment return shall be filed on or before the fifteenth (15th) day of April, or on or before the fifteenth (15th) day of the fourth (4th) month following the close of the fiscal year, as the case may be."

[20] SUBJECT: Implementing Republic Act No. 8424, "An Act Amending The National Internal Revenue Code, as Amended" Relative to the Withholding on Income Subject to the Expanded Withholding Tax and Final Withholding Tax, Withholding on Income Tax on Compensation, Withholding of Creditable Value-Added Tax and Other Percentage Taxes.

October	CC-10	November 12, 2001	November 12, 2001	November 12, 2004
November	CC-11	December 10, 2001	December 10, 2001	December 10, 2004
December	CC-12	January 10, 2002	January 15, 2002	January 15, 2005

Records show that respondent issued the FLD and assessment notices on September 30, 2005 and was received by petitioner only on October 7, 2005[21]. However, respondent claims that the period to assess the subject income tax and withholding tax liabilities was extended by the Waiver executed by petitioner.

We do not agree.

The Waiver is defective and thus, did not extend the three-year prescriptive period under Section 203 of the NIRC of 1997.

In *Commissioner of Internal Revenue vs. Kudos Metal Corporation*,[22] the Supreme Court said:

> "Section 222(b) of the NIRC provides that the period to assess and collect taxes may only be extended upon a written agreement between the CIR and the taxpayer executed before the expiration of the three-year period. RMO 20-90 issued on April 4, 1990[23] and RDAO 05-01 issued on August 2, 2001[24] lay down the procedure for the proper execution of the waiver, to wit:
>
> 1. The waiver must be in the proper form prescribed by RMO 20-90. The phrase 'but not after ______ 19____', which indicates the expiry date of the period agreed upon to assess/collect the tax after the regular three-year period of prescription, should be filled up.
>
> 2. The waiver must be signed by the taxpayer himself or his duly authorized representative. In the case of a corporation, the waiver must be signed by any of its responsible officials. In case the authority is delegated by the taxpayer to a

[21] Exhibit "C".
[22] G.R. No. 178087, May 5, 2010.
[23] Revenue Memorandum Order No. 20-90, SUBJECT: Proper Execution of the Waiver of the Statute of Limitations under the National Internal Revenue Code.
[24] Revenue Delegation Authority Order No. 05-01, SUBJECT: Delegation of Authority to Sign and Accept the Waiver of the Defense of Prescription Under the Statute of Limitations.

representative, such delegation should be in writing and duly notarized.

3. The waiver should be duly notarized.

4. The CIR or the revenue official authorized by him must sign the waiver indicating that the BIR has accepted and agreed to the waiver. The date of such acceptance by the BIR should be indicated. However, before signing the waiver, the CIR or the revenue official authorized by him must make sure that the waiver is in the prescribed form, duly notarized, and executed by the taxpayer or his duly the authorized representative.

5. Both the date of execution by the taxpayer and date of acceptance by the Bureau should be before the expiration of the period of prescription or before the lapse of the period agreed upon in case a subsequent agreement is executed.

6. The waiver must be executed in three copies, the original copy to be attached to the docket of the case, the second copy for the taxpayer and the third copy for the Office accepting the waiver. The fact of receipt by the taxpayer of his/her file copy must be indicated in the original copy to show that the taxpayer was notified of the acceptance of the BIR and the perfection of the agreement."

It is mandated that the foregoing procedures should be **strictly** followed;[25] otherwise, the waiver shall be rendered defective and shall not extend the period to assess the tax. Thus, the mere execution of a waiver does not automatically extend the three-year prescriptive period.

The first and third infirmities imputed by petitioner on the subject Waiver (*i.e.*, that the same should have been signed by the Commissioner of Internal Revenue, not merely by a Revenue District Officer, and that it fails to state the amount of taxes due) have no basis in law.

---

[25] *Philippine Journalists, Inc. vs. Commissioner of Internal Revenue*, G.R. No. 162852, December 16, 2004; Revenue Memorandum Order No. 20-90.

Anent the proper revenue official who is authorized to sign and accept the subject Waiver, Revenue Delegation Authority Order No. (RDAO) 05-01[26] states in part:

> "The following revenue officials are authorized to sign and accept the Waiver of the Defense of Prescription Under the Statute of Limitations (Annex A) prescribed in Sections 203, 222 and other related provisions of the National Internal Revenue Code of 1997:
>
> xxx xxx xxx
>
> C. *For Regional cases*
>
> | | |
> |---|---|
> | **1. Revenue District Officer** | **Cases pending investigation/ verification/reinvestigation in the Revenue District Offices** |
> | 2. Regional Director | Cases pending in the Divisions in the Regional Office, including cases pending approval by the Regional Director |
>
> xxx xxx xxx. *(Emphasis supplied)*

At the time the subject Waiver was notarized, *i.e.*, on January 14, 2005, the case was still pending before RDO No. 43. This is manifested by subsequent letters dated February 7, 2005[27] and April 20, 2005[28] of petitioner, submitting certain documents relative to the investigation being conducted by the said RDO. Another indication of the pendency of the case before the same Office is that the Notice of Informal Conference dated February 28, 2005[29] was issued by Mr. Recto, Revenue District Officer of RDO No. 43, against petitioner. Accordingly, Mr. Recto, in his capacity as Revenue District Officer, was authorized to sign and accept the subject Waiver.

---

[26] See footnote no. 23.
[27] BIR Records, p. 186.
[28] BIR Records, p. 184.
[29] BIR Records, p. 190.

As regards the ground relied upon by petitioner that the Waiver must state the amount of taxes due, said information is not required under RMO 20-90, as amended by RDAO 05-01. Furthermore, it must be pointed out that the investigation has not reached its appropriate conclusion and thus, the amount of tax liabilities has yet to be determined. This is precisely the reason why the said Waiver was executed.

As can be gleaned from the said Waiver, the representative of petitioner requested for approval *"more time to submit the document required in connection with the investigation of [petitioner's] income and withholding ...tax liabilities for the year 2001"*, and that *"the intent and purpose of the waiver is to afford the Commissioner of Internal Revenue ample time to carefully consider the legal and/or actual questions involved* ***in the determination of the aforesaid tax liabilities****."*[30]

Be that as it may, as correctly argued by petitioner, the subject Waiver fails to state the date of execution by the taxpayer and the date of acceptance by the BIR. It must be emphasized that the date of acceptance by the BIR is necessary to determine whether the Waiver was validly accepted before the expiration of the original three-year period.[31] Moreover, it was never established that the Office accepting the Waiver has been furnished with the third copy thereof. Lastly, there is no indication in the original copy of the said Waiver of the fact of receipt by petitioner. This information is likewise

---

[30] Emphasis supplied. Docket, p. 391.

[31] *Commissioner of Internal Revenue vs. FMF Development Corporation*, G.R. No. 167765, June 30, 2008.

important *"to show that the taxpayer was notified of the acceptance of the BIR and the perfection of the agreement"*.[32]

Such being the case, the period to assess petitioner's income tax and withholding tax liabilities was not extended due to the defects in the subject Waiver. Consequently, the subject assessments were issued by the BIR beyond the three-year prescriptive period and are void.

In view of the foregoing, it becomes unnecessary to resolve the other issues raised in this case.

WHEREFORE, the instant Petition for Review is hereby **GRANTED**. Accordingly, the assessments for deficiency income tax and deficiency expanded withholding tax in the aggregate amount of ₱4,878,659.72 for taxable year 2001 are hereby **CANCELLED** and **SET ASIDE** for being issued beyond the three-year prescriptive period under Section 203 of the NIRC of 1997.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ERNESTO D. ACOSTA
Presiding Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

---

[32] Revenue Memorandum Order No. 20-90.

CERTIFICATION

I hereby certify that the decision was reached after due consultation with the members of the division of the Court of Tax Appeals in accordance with Section 13, Article VIII of the Constitution.

ERNESTO D. ACOSTA
Presiding Justice