REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

En Banc

SWEDISH MATCH PHILIPPINES, INC., *Petitioner,*	**CTA *EB* NO. 2043** *(CTA AC No. 198)*
	Present: **DEL ROSARIO, P.J., CASTAÑEDA, JR., UY, RINGPIS-LIBAN, MANAHAN, BACORRO-VILLENA,** *and* **MODESTO-SAN PEDRO,** *JJ.*
-versus-	
THE CITY TREASURER OF THE CITY OF MANILA, *Respondent.*	Promulgated: **SEP 11 2020** 2:18 p.m.

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DECISION

MODESTO-SAN PEDRO, J.:

The Case

This is a Petition for Review[1] under ***Sections 3(b) and 4(b), Rule 8 of the Revised Rules of the Court of Tax Appeals ("RRCTA")***,[2] asking the Court to reverse and set aside the Decision promulgated on 11 October 2018 and Resolution, dated 11 March 2019, of the Court of Tax Appeals ("CTA") Special First Division ("Court in Division") and affirm the Decision, dated 15 June 2017, and Order, dated 15 January 2018, rendered by the Regional Trial Court ("RTC") Manila.

The Parties

Petitioner Swedish Match Philippines, Inc. is a domestic corporation duly organized under the laws of the Philippines, with principal office address at Laguna Technopark-Special Economic Zone, 104 Technology Avenue, Biñan, Laguna. It may be served with orders and processes of the Court

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[1] Petition for Review, *Rollo*, Vols. 1 and 2, pp. 11-568, with annexes.
[2] A.M. No. 05-11-07-CTA, 22 November 2005.

through its counsel at 4th and 6th Floors Citibank Center, 8741 Paseo de Roxas, Makati City.

Respondent City Treasurer of the City of Manila is tasked with the implementation of the Manila Revenue Code, as well as the collection and assessment of business taxes, license fees, and permit fees within the said City. Respondent may be served with summons and other process of this Court at the Manila City Hall.

The Facts

In 2007, the respondent assessed petitioner business taxes pursuant to Sections 14 and 21 of Ordinance No. 7794, as amended by Ordinance Nos. 7988 and 8011 (hereinafter referred to as "Manila Revenue Code") for the first (1st) and second (2nd) quarters of year 2007,[3] to wit:

> "SECTION 14. Tax on Manufacturers, Assemblers and other Processors. — There is hereby imposed a graduated tax on manufacturers, assemblers, repackers, processors, brewers, distillers, rectifiers and compounders of liquors, distilled spirits, and wines or manufacturers of any article of commerce of whatever kind or nature, in accordance with the following schedule. xxx
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> SECTION 21. Tax on Business Subject to the Excise, Value-Added or Percentage Taxes Under the NIRC. — On any of the following businesses and articles of commerce subject to the excise, value-added or percentage taxes under the National Internal Revenue Code hereinafter to as NIRC, as amended, a tax of fifty percent (50%) of one percent (1%) per annum on the gross sales or receipts of the preceding calendar is hereby imposed:
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> A) On persons who sell goods and services in the course of trade of business, and those who import goods whether for business or otherwise, as provided for in sections 100 to 103 of the NIRC as administered and determined by the Bureau of Internal Revenue pursuant to the pertinent provisions of the said code. xxx"

Subsequently, petitioner paid the assessment, including the following amounts, imposed by the respondent pursuant to Section 21 of the Manila Revenue Code on the following dates, to wit:

Quarter Covered	Amount	Date Paid
1Q-2007	₱132,130.92	22 January 2007
2Q-2007	₱132,130.92	19 April 2007
TOTAL	**₱264,261.84**[4]	

[3] *See* Decision, Rollo, Vol. 1, pp. 40-54.
[4] *Ibid.*

On 15 January 2009, petitioner filed a letter to the respondent, dated 14 January 2009, arguing that the imposition of business taxes, both under Sections 14 and 21 of the Manila Revenue Code, constitutes double taxation which is prohibited by law and that Ordinance Nos. 7988 and 8011 could not be the basis for the collection of business taxes, since they failed to comply with the procedural requirement in the promulgation of a local tax ordinance provided in the Local Government Code ("LGC"). It then demanded for a tax credit or refund of the aforementioned business taxes paid under Section 21 of the Manila Revenue Code.[5]

Alleging inaction on the part of the respondent, the petitioner filed a Petition for Refund on 27 January 2009 before the RTC of Manila, which was raffled off to Branch 55.[6]

On 16 February 2009, respondent filed a Motion to Dismiss claiming that the RTC had no jurisdiction over the subject matter of the Petition for Refund. Respondent explained that the amount subject of the Petition for Refund is ₱264,261.84, hence, the same falls under the jurisdiction of the Metropolitan Trial Court ("MTC").[7]

On 26 August 2009, the RTC, in an Order given in open court, denied respondent's Motion to Dismiss on the ground that "there appears to be another issue that the parties have to settle".[8]

Thereafter, respondent filed his Answer (with Affirmative Defenses) on 28 June 2011 raising the following issues: (i) that the RTC has no jurisdiction over the subject matter of the claim; and (ii) that the petitioner failed to comply with a condition precedent, which is the filing of a written protest contesting the assessment.[9]

Petitioner and respondent filed their Pre-Trial Briefs on 13 November 2009 and 4 February 2014, respectively.[10]

On 4 June 2015, petitioner filed a Motion for Summary Judgment alleging that the Petition for Refund and the Answer (with Affirmative Defenses) show that there are no material facts disputed by respondent and that the issues could be readily resolved based on the facts established in the pleadings. It prayed for the RTC to render a summary judgment on the case.

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[5] Rollo, Vol. 1, pp. 87-95.
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] *Ibid.*

On 22 December 2016 the RTC rendered an Order submitting the case for decision, finding no genuine issue as to any material fact raised in the pleadings, except whether the petitioner is entitled to a tax refund.[11]

On 15 June 2017, the RTC rendered its Decision granting the Petition for Refund,[12] to wit:

> "**WHEREFORE**, premises considered, judgment is hereby rendered for the Petitioner, and against the Respondent. Respondent is hereby ordered to **REFUND**, or in the alternative, treat as a **TAX CREDIT** in favor of petitioner the taxes paid under Section 21 of the Manila Revenue Code as amended, for the first quarter and second quarter of 2007 in the amount of Two Hundred Sixty Four Thousand Two Hundred Sixty One and 84/100 (₱264,261.84).
>
> **SO ORDERED.**"

Aggrieved, respondent filed a Motion for Reconsideration on 26 July 2017, which was denied by the RTC on 15 January 2018. Respondent received the Order of the RTC denying his Motion for Reconsideration on 19 February 2018.[13]

Following its receipt of the Order, respondent filed the original Petition for Review before the Court in Division on 8 March 2018. Respondent raised the sole issue of whether the RTC has jurisdiction over petitioner's claim for refund of taxes paid under Section 21 of the Manila Revenue Code, as amended, for the 1st and 2nd quarters of 2007 in the amount of ₱264,261.84.[14]

On 11 October 2018, the Court in Division rendered the assailed Decision[15] granting the original Petition for Review, and declaring the Decision rendered by the RTC null and void, to wit:

> "**WHEREFORE**, premises considered, the Petition for Review filed by the Treasurer of the City of Manila is hereby **GRANTED**. The Decision dated June 15, 2017 and the Order dated January 15, 2018 by the Regional Trial Court of Manila, Branch 55 and all proceedings therein are hereby **DECLARED NULL AND VOID**. Respondent's Petition for Refund filed with the Regional Trial Court of Manila, Branch 55, in Civil Case No. 09-120696 entitled *Swedish Match Philippines, Inc. vs. The Treasurer of the City of Manila,* is **DISMISSED** for lack of jurisdiction.
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> **SO ORDERED.**"

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[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.*

On 8 November 2018, petitioner filed its Motion for Reconsideration (Re: 11 October 2018 Decision), while respondent filed his Opposition [To Respondent's Motion for Reconsideration] posted on 14 December 2018.[16]

On 11 March 2019, the Court in Division issued the assailed Resolution denying petitioner's Motion for Reconsideration for lack of merit.[17] The said Resolution was received by the petitioner on 19 March 2019.[18]

Subsequently, petitioner filed a Motion for Extension of Time to File Petition for Review on 3 April 2019, asking the Court *En Banc* to grant it an additional period of fifteen days to file its Petition for Review.[19] The Court *En Banc* granted the said Motion and gave petitioner until 18 April 2019 to file the instant Petition.[20]

Considering that 18 and 19 April 2019 were declared holidays due to the observance of the Holy Week, petitioner filed its Petition for Review on 22 April 2019.[21]

On 13 August 2019, the Court *En Banc* issued a Resolution ordering the respondent to file his Comment.[22]

The respondent filed his Comment on 6 September 2019[23] which is within the extended period granted by the Court.[24]

On 26 September 2019, the Court *En Banc* promulgated a Resolution submitting the case for decision.[25] Hence, this Decision.

The Issues

Petitioner raises the following issues for the Court *En Banc*'s resolution, to wit:

> THE RULING OF THE COURT IN DIVISION IS CONTRARY TO THE DOCTRINE OF *STARE DECISIS* AND THE LAW OF THE CASE; AND

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[16] *See* Resolution, Rollo, Vol. 1, pp. 55-57.
[17] *Ibid.*
[18] CTA Division Records, p. 108.
[19] Motion for Extension of Time to File Petition for Review, Rollo, Vol. 1, pp. 1-5.
[20] Minute Resolution dated 4 April 2019, Rollo, Vol. 1, p. 6.
[21] Petition for Review, *Rollo*, Vols. 1 and 2, pp. 11-568, with annexes.
[22] Resolution, Rollo, Vol. 2, pp 580-581.
[23] Comment, Rollo, Vol. 2, pp. 586-590.
[24] Minute Resolution dated 4 April 2019, Rollo, Vol. 2, p. 585.
[25] Resolution dated 26 September 2019, *Rollo*, Vol. 2, pp. 592-593.

THE COURT IN DIVISION COMMITTED GRAVE ERROR WHEN IT RULED THAT THE RTC DID NOT HAVE JURISDICTION OVER THE PRESENT CONTROVERSY.[26]

Arguments of the Parties

Petitioner's Arguments[27]

Petitioner explains that on 17 October 2003, it filed a similar Petition for Refund for taxes paid under Section 21 of the Manila Revenue Code for the lower amount of ₱164,552.04 with the RTC Manila. The said Petition was granted by the RTC and affirmed by the Supreme Court in the case of ***Swedish Match Philippines, Inc. v. The Treasurer of the City of Manila (hereinafter referred to as "First SMPI Case")***.[28] Hence, based on the foregoing, petitioner argues that the Court is bound by the ruling of the Supreme Court in compliance with the doctrines of *stare decisis* and the law of the case.

Likewise, petitioner alleges that considering that the LGC did not specifically state which court has jurisdiction over a claim for refund of local business taxes, the said claim falls within the general jurisdiction of the RTC, pursuant to Section 19(6) of Batas Pambansa Blg. 129,[29] as amended by Republic Act No. 7691[30] ("B.P. Blg. 129, as amended").

Lastly, petitioner insists that the relief it prayed for in its Petition for Refund is to declare its non-liability for taxes under Section 21 of the Manila Revenue Code which is a relief incapable of pecuniary estimation. Hence, it concludes that the case is under the jurisdiction of the RTC. It explains that its prayer for refund of taxes is only an incidental matter to the main relief sought for.

Respondent's Arguments[31]

Respondent insists that the RTC has no jurisdiction over the Petition for Refund. He argues that B.P. Blg. 129, as amended, and the Revised Rules of Summary Procedure are clear that the amount of claim sought by the petitioner falls under the jurisdiction of the MTC, which was affirmed by the

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[26] Petition for Review; *Rollo*, Vol. 1, pp. 11-31.
[27] *Ibid.*
[28] G.R. No. 181277, 3 July 2013.
[29] An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and for other purposes or The Judiciary Reorganization Act of 1980, 14 August 1981.
[30] An Act Expanding the Jurisdiction of the Metropolitan Trial Court, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the purpose Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980"
[31] Comment, Rollo, Vol. 2, pp. 586-590.

Supreme Court in the case of ***China Banking Corporation v. City Treasurer of Manila (hereinafter referred to as "Chinabank Case").***[32]

Further, respondent argues that the doctrine of *stare decisis* is not applicable in this case since the total amount of business taxes in the First SMPI Case was for ₱470,932.21, although the refund granted was in the amount of ₱164,552.04. Unlike in this case, the amount prayed for in the Petition for Refund is for ₱264,261.84, which clearly falls under the jurisdiction of the MTC.

Finally, respondent contradicts petitioner's argument that the main relief in its Petition for refund is not a claim for refund. He explains that the Petition for Refund is based on Section 196 of the LGC which governs claims for refund or tax credit. Hence, it is clear that the main relief sought for by the petitioner is the refund of its local business tax.

The Ruling of the Court

After going through the arguments of both parties, the Court *En Banc* finds the instant Petition without merit.

The argument of the petitioner that the RTC has jurisdiction over its claim for refund of local business tax pursuant to Section 19(6) of B.P. Blg. 129, as amended is bereft of merit.

As advanced by the respondent and the Court in Division, the jurisdiction of the courts with regard to the claim for refund of local business tax has already been addressed by the Supreme Court in the ***Chinabank Case***,[33] where it ruled, to wit:

> Thus, although the Court in Yamane recognized that **the RTC exercised its original jurisdiction over cases decided by a local treasurer, it was quick to point out that with the advent of Republic Act No. (R.A.) No. 9282, the jurisdiction of the RTC over such cases is no longer simply original and exclusive**. The Court explained:
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>> From these premises, it is evident that the stance of the City Treasurer is correct as a matter of law, and that the proper remedy of the Corporation from the RTC judgment is an ordinary appeal under Rule 41 to the Court of Appeals. However, we make this pronouncement subject to two important qualifications. First, in this particular case there are nonetheless significant reasons for the Court to overlook the procedural error and ultimately uphold the adjudication of the jurisdiction exercised by the Court of Appeals in this case. **Second, the doctrinal weight of the pronouncement**

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[32] G.R. No. 204117, 1 July 2015.
[33] *Ibid.*

> **is <u>confined to cases and controversies that emerged prior to the enactment of Republic Act No. 9282</u>, the law which expanded the jurisdiction of the Court of Tax Appeals (CTA).**
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> Republic Act No. 9[8]282 definitively proves in its Section 7 (a) (3) that **the CTA exercises exclusive appellate jurisdiction to review on appeal decisions, orders or resolutions of the Regional Trial Courts in local tax cases original decided or resolved by them in the exercise of their original or appellate jurisdiction**. Moreover, the provision also states that the review is triggered "by filing a petition for review under a procedure analogous to that provided for under Rule 42 of the 1997 Rules of Civil Procedure."
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> Republic Act No. 9282, however, would not apply to this case simply because it arose prior to the effectivity of that law. To declare otherwise would be to institute a jurisdictional rule derived not from express statutory grant, but from implication. The jurisdiction of a court to take cognizance of a case should be clearly conferred and should not be deemed to exist on mere implications, and this settled rule would be needlessly emasculated should we declare that the Corporation's position is correct in law.
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> [Emphases and Underscoring Supplied]

<u>Clearly, with the passage of R.A. No. 9282, the authority to exercise either original or appellate jurisdiction over local tax cases depended on the amount of the claim</u>. In cases where the RTC exercises appellate jurisdiction, it necessarily follows that there must be a court capable of exercising original jurisdiction — otherwise there would be no appeal over which the RTC would exercise appellate jurisdiction. The Court cannot consider the City Treasurer as the entity that exercises original jurisdiction not only because it is not a "court" within the context of Batas Pambansa (B.P.) Blg. 129, but also because, as explained above, **"B.P. 129 expressly delineates the appellate jurisdiction of the Regional Trial Courts, confining as it does said appellate jurisdiction to cases decided by Metropolitan, Municipal, and Municipal Circuit Trial Courts."** Verily, unlike in the case of the CA, B.P. 129 does not confer appellate jurisdiction on the RTC over rulings made by non-judicial entities. The RTC exercises appellate jurisdiction only from cases decided by the Metropolitan, Municipal, and Municipal Circuit Trial Courts in the proper cases. The nature of the jurisdiction exercised by these courts is original, considering it will be the first time that a court will take judicial cognizance of a case instituted for judicial action. **<u>Indeed, in cases where the amount sought to be refunded is below the jurisdictional amount of the RTC, the Metropolitan, Municipal, and Municipal Circuit Trial Courts are clothed with ample authority to rule on such claims</u>**. As Section 33 (1), 34 B.P. 129, as amended provides:

> Sec. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. — Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

> (1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate, or amount of the demand does not exceed One hundred thousand pesos (P100,000.00) or, in Metro Manila where such personal property, estate, or amount of the demand does not exceed Two hundred thousand pesos (P200,000.00) . . .
>
> xxx xxx xxx
>
> In all, the Court finds that the claim of petitioner CBC for **refund should be dismissed not only for being filed out of time** **<u>but also for not being filed before a court of competent jurisdiction</u>**."[34]

Hence, following ***Chinabank***, the petitioner's interpretation that a claim for refund of local business tax does not specifically fall within the exclusive jurisdiction of any court and, therefore, is included in the umbrella provision of Section 19(6) of B.P. Blg. 129, as amended, is obviously incorrect.

As clearly pointed out by the Supreme Court, beginning 23 April 2004 or the passage of Republic Act No. 9282,[35] the court which has jurisdiction over a claim for refund of local business taxes is dependent on the amount of claim which may fall under the RTC, MTC, Municipal Trial Court, or Municipal Circuit Trial Courts pursuant to ***Section 19(8) and 33 of B.P. Blg. 129, as amended,*** taking into consideration ***Section 5 of Republic Act No. 7691***, to wit:

> "Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980", is hereby amended to read as follows:
>
> "Sec. 19. Jurisdiction in civil cases. -- Regional Trial Courts shall exercise exclusive original jurisdiction.
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> xxx xxx xxx
>
> (8) In all other cases in which the demand, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs or the value of the property in controversy exceeds One hundred thousand pesos (100,000.00) or, in such other abovementioned items exceeds Two hundred thousand pesos (200,000.00). xxx"
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> Section 3. Section 33 of the same law is hereby amended to read as follows:

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[34] Emphasis supplied.

[35] An Act Expanding the Jurisdiction of the Court of Tax Appeals (CTA), Elevating its Rank to the Level of a Collegiate Court with Special Jurisdiction and Enlarging its Membership, Amending for the Purpose Certain Sections of Republic Act No. 1125, as Amended, otherwise known as the Law Creating the Court of Tax Appeals, and For Other Purposes, 30 March 2004.

> "Sec. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. -- Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:
>
> (1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate, or amount of the demand does not exceed One hundred thousand pesos (P100,000.00) or, in Metro Manila where such personal property, estate, or amount of the demand does not exceed Two hundred thousand pesos (P200,000.00), exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs, the amount of which must be specifically alleged: Provided, That interest, damages of whatever kind, attorney's fees, litigation expenses, and costs shall be included in the determination of the filing fees: Provided, further, That where there are several claims or causes of actions between the same or different parties, embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions; xxx"

> Section 5. After five (5) years from the effectivity of this Act, the jurisdictional amounts mentioned in Sec. 19(3), (4), and (8); and Sec. 33(1) of Batas Pambansa Blg. 129 as amended by this Act, shall be adjusted to Two hundred thousand pesos (P200,000.00). Five (5) years thereafter, such jurisdictional amounts shall be adjusted further to Three hundred thousand pesos (P300,000.00): Provided, however, That in the case of Metro Manila, the abovementioned jurisdictional amounts shall be adjusted after five (5) years from the effectivity of this Act to Four hundred thousand pesos (P400,000.00)."

The allegation of petitioner that its main relief in the Petition for Refund is one which is incapable of pecuniary estimation and, therefore, under the jurisdiction of the RTC, is likewise, without merit.

A perusal of the Petition for Refund shows that the primary action or remedy prayed for by the petitioner is to claim refund of its local business taxes pursuant to Section 196 of the LGC. This is evident with the allegations under the "Nature of the Petition" and the Prayer of the Petition for Refund, to wit:

> "**Nature of the Petition**
>
> 3. This is a petition pursuant to Section 196 of the Local Government Code of 1991 [hereinafter LGC], **for claim of refund of business taxes erroneously assessed and collected by respondent from petitioner** as follow: xxx"

Prayer

WHEREFORE, premises considered, petitioner Swedish Match Philippines, Inc. respectfully prays of this Honorable Court to:

a) DECLARE that petitioner Swedish Match is not liable for business taxes it paid for the first quarter and second quarter of 2007 under Section 21 of the City of Manila's Revenue Code, as amended; and,

b) **Order the REFUND, or in the alternative TAX CREDIT, to petitioner of the taxes paid under Section 21 of the Manila Revenue Code, as amended, for the first quarter and second quarter of 2007 in the amount of Two Hundred Sixty Four Thousand Two Hundred Sixty One and 84/100 (P264,261.84)**;

Petitioner likewise prays for such other reliefs just and equitable under the circumstances."[36]

It cannot be denied, then, that the primary issue of the Petition for Refund is to claim refund of petitioner's local business taxes which were allegedly erroneously assessed and collected by respondent. Hence, as ruled by the Court in Division, the amount sought to be refunded is certainly capable of pecuniary estimation. This is consistent with the ruling of the Supreme Court in the case of ***Philippine-Japan Active Carbon Corporation v. Habib Borgaily***,[37] to wit:

"In order to determine whether the subject matter of an action is one which is capable of pecuniary estimation, the nature of the principal action or remedy sought must be considered. **If it is primarily for recovery of a sum of money, then the claim is considered as capable of pecuniary estimation, and the jurisdiction lies with the municipal trial courts if the amount of the claim does not exceed P300,000.00 outside Metro Manila, and does not exceed P400,000.00 within Metro Manila**. xxx"[38]

Finally, the argument of petitioner that the Court *En Banc* is bound by the ruling of the Supreme Court in the case of ***First SMPI Case***[39] pursuant to the rule of *stare decisis* is also without basis.

In the case of ***Belgica v. Ochoa,***[40] the Supreme Court discussed the concept of *stare decisis*, to wit:

On the other hand, the focal point of *stare decisis* is the doctrine created. The principle, entrenched under Article 8 of the Civil Code, evokes the general rule that, for the sake of certainty**, a conclusion reached in one case should be doctrinally applied to those that follow if the facts are substantially the same, even though the parties may be different.** It proceeds from the first principle of justice that, absent any powerful

[36] Emphasis supplied.
[37] G.R. No. 197022, 15 January 2020.
[38] Emphasis supplied.
[39] G.R. No. 181277, 3 July 2013.
[40] G.R. Nos. 208566, 208493 & 209251, 19 November 2013.

> countervailing considerations, like cases ought to be decided alike. Thus, where the same questions relating to the same event have been put forward by the parties similarly situated as in a previous case litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to re-litigate the same issue."

A close reading of the ***First SMPI Case***[41] shows that that the Supreme Court did not decide on the issue of jurisdiction nor was it mentioned in the body of the Decision. In fact, the issue of jurisdiction was not disputed by the parties since during the time of the filing of the Petition for Refund in relation to the ***First SMPI Case***[42] on 17 October 2003, Republic Act No. 9282 was not yet in effect, unlike the Petition for Refund in the instant case which was filed after the effectivity of Republic Act No. 9282.

The materiality of the date of filing of the Petition for Refund is relevant since, as ruled in ***Chinabank***,[43] the RTC's jurisdiction over claims for refund of local business taxes ceased to be original and exclusive with the effectivity of Republic Act No. 9282, to wit:

> "Thus, although the Court in Yamane recognized that **the RTC exercised its original jurisdiction over cases decided by a local treasurer, it was quick to point out that with the advent of Republic Act No. (R.A.) No. 9282, the jurisdiction of the RTC over such cases is no longer simply original and exclusive**. xxx"

Hence, based on the foregoing, the fact is evident that the principle of *stare decisis* is not applicable in this case.

It is worth emphasizing that jurisdiction is the power and authority of the court to hear, try, and decide a case.[44] A judgment rendered by a court that has no jurisdiction is no judgment at all. It cannot be the source of any right or the creator of any obligation. All acts pursuant to it and all claims emanating from it have no legal effect.[45]

Since the RTC has been demonstrated to have no jurisdiction over petitioner's Petition for Refund, the Court *En Banc* is constrained to dismiss petitioner's claim for lack of jurisdiction.

WHEREFORE, premises considered, the instant Petition for Review is hereby **DENIED** for lack of merit. Accordingly, the Court in Division's Decision promulgated on 11 October 2018 and Resolution dated 11 March 2019 are hereby **AFFIRMED.**

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[41] G.R. No. 181277, 3 July 2013.
[42] *Ibid.*
[43] G.R. No. 204117, 1 July 2015.
[44] Platinum Tours and Travel, Incorporated v. Panlilio, G.R. No. 133365, 16 September 2003.
[45] The Province of Aklan v. Jody King Construction and Development Corporation, G.R. Nos. 197592 & 202623, 27 November 2013.

SO ORDERED.

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

ERLINDA P. UY
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

Catherine T. Manahan
CATHERINE T. MANAHAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
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