REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL SECOND DIVISION

CENTRAL LUZON DRUG CORPORATION, Petitioner,	CTA Case No. **10045**
	Members:
- versus -	**BACORRO-VILLENA,** *Acting Chairperson,* *and* **CUI-DAVID,** ***JJ.***
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: FEB 19 2025 4:17 pm

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RESOLUTION

BACORRO-VILLENA, J.:

For the Court's resolution is respondent's Commissioner of Internal Revenue (**respondent**'s/**CIR**'s) "Motion for Reconsideration [re: Amended Decision dated 10 September 2024]"[1] (**MR**) filed on 03 October 2024, with petitioner Central Luzon Drug Corporation's (**petitioner**'s) "Comment (to Respondent's [MR] dated 03 October 2024)"[2] (**Comment**) filed on 15 November 2024 through registered mail.[3]

In the MR, respondent vehemently insists that this Court reconsider its Amended Decision of 10 September 2024[4] (**assailed Decision**) and, instead, rule that the subject assessments issued against petitioner are valid.

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1 Division Docket, Volume VI, pp. 2958-2965.
2 Id., pp. 2969-2980.
3 Received by the Court on 20 November 2024.
4 Division Docket, Volume VI, pp. 2948-2954.

Reiterating the previous arguments in the MR of 20 May 2024, respondent argues that under Section 13[5] of the National Internal Revenue Code (**NIRC**) of 1997, as amended, a Letter of Authority (**LOA**) is only required when the assigned Revenue Officers (**ROs**) are from Revenue District Offices (**RDOs**), otherwise if the ROs are from the office of the CIR, their authority to conduct the audit and/or investigation arises from the CIR's organic function to assess under Section 6(a)[6] of the NIRC of 1997, as amended. As the assigned ROs (who conducted the audit) were from the Large Taxpayer Services (**LTS**), an office directly under the CIR, the issuance of an LOA is no longer a requirement.

Assuming that an LOA is required, respondent avers that in cases of reassignment of ROs, a Memorandum of Assignment (**MOA**) is sufficient for purposes of continuing the audit pursuant to Revenue Memorandum Order (**RMO**) No. 62-2010.[7]

Lastly, respondent claims that the ruling in *Commissioner of Internal Revenue v. McDonald's Philippines Realty Corp.*[8] (**McDonald's**) should be applied prospectively as prior to its promulgation, no Supreme Court decision required an LOA (to authorize the ROs) for the investigation of a taxpayer's books.

In opposition, petitioner points out that the MR should be denied outright for its failure to raise any new or substantial arguments that would warrant the reversal or modification of the assailed Decision. Petitioner again cites the several cases[9] where the Supreme Court declared the importance of an LOA to authorize Bureau of Internal Revenue (**BIR**) officers to conduct an audit and/or investigation of a taxpayer's books, and the issuance of an amended or a new LOA in cases of the RO's reassignment. Without the required LOA, any assessment is null and void.

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5 **SEC. 13.** *Authority of a Revenue Officer.*

6 **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. — …

7 Supplemental Guidelines on the Electronic Issuance of Letters of Authority and Related Audit Policies and Procedures.

8 G.R. No. 242670, 10 May 2021.

9 *Commissioner of Internal Revenue v. McDonald's Philippines Realty Corp.*, supra at note 8, *Republic of the Philippines v. Robiegie Corporation*, G.R. No. 260261, 03 October 2022, *Medicard Philippines, Inc. v. Commissioner of Internal Revenue*, G.R. No. 222743, 05 April 2017 and *Himlayang Pilipino Plans, Inc. v. Commissioner of Internal Revenue*, G.R. No. 241848, 14 May 2021.

We resolve.

An examination of respondent's MR reveals that the arguments raised therein are, indeed, a mere rehash of the basic issues that were exhaustively discussed and already passed upon in the Decision of 02 May 2024[10] and the assailed Decision of 10 September 2024. It would then be futile on Our part to address them anew.

In *Licomcen Incorporated v. Foundation Specialists, Inc.*[11], the Supreme Court, citing *Ortigas and Company Limited Partnership v. Judge Tirso Velasco, et al.*[12], held that:

> ...
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> The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, ... deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); *i.e.*, the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, etc.
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> ...

WHEREFORE, premises considered, respondent Commissioner of Internal Revenue's "Motion for Reconsideration [re: Amended Decision dated 10 September 2024]" filed on 03 October 2024 is hereby **DENIED** for lack of merit.

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10 Division Docket, Volume VI, pp. 2871-2895.
11 G.R. Nos. 167022 and 169678, 31 August 2007.
12 G.R. Nos. 109645 and 112564, 04 March 1996.

SO ORDERED.

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

I CONCUR:

LANEE S. CUI-DAVID
Associate Justice