

REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

Special Third Division

**STA. ROSA FARM PRODUCTS
CORPORATION,**

Petitioner,

-versus-

CTA CASE NO. 9956

Members:

UY, Chairperson,

RINGPIS-LIBAN, and

MODESTO-SAN PEDRO, JJ.

Promulgated:

COMMISSIONER OF CUSTOMS,

Respondent.

SEP 14 2022

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RESOLUTION

MODESTO-SAN PEDRO, J.:

Before this Court is respondent's **Motion for Partial Reconsideration (of the Decision dated 23 February 2022)** ("Motion"), filed on 7 April 2022,¹ with petitioner's **Comment on Respondent's Motion for Partial Reconsideration** ("Comment"), filed on 16 May 2022.²

In the Motion,³ respondent alleges the following:

1. The ***World Trade Organization ("WTO") Agreement*** is not a self-executing treaty that automatically confers rights on the residents of contracting states. As such, a self-executing legislation is needed to transform the treaty into municipal law;

2. At the time the petitioner imported the subject rice shipments, a National Food Authority ("NFA") Import Permit was indispensable. While the ***WTO Waiver Decision*** expired on 30 June 2017, the official government directive was to continue imposing rice import quotas until 30 June 2020 or until the issuance of a law amending ***Republic Act ("RA") No. 8178***, whichever came earlier;

¹ Records, Vol. 4.

² *Ibid.*

³ *Id.*, pp. 847-852.

3. Given the complexity of the commitments and obligations in the *WTO Agreement* coupled with the varying distinct forms of governments of the member States, an executing legislation is needed to flesh out the details in order to apply the treaty into the domestic context seamlessly;

4. *Senate Resolution No. 97* states that the Executive shall, in close coordination with Congress, formulate a program to implement the WTO Agreement; and

5. The Supreme Court, in the case of *Wilson v. Ermita*,⁴ has ruled that an act more than ratification, such as local legislation, is required to apply treaties of international law.

On the other hand, in its Comment, petitioner counter-argues as follows:

1. No new issues are raised in the subject Motion for Partial Reconsideration. The arguments presented are a mere rehash of what have been said and reiterated in the pleadings, all of which have been considered and found without merit in the Decision now assailed;

2. This Court was correct in ruling that the respondent is mistaken in insisting that quantitative restrictions and the need for import permits only ceased upon the enactment of *RA No. 11203*;

3. This Court was likewise correct in ruling that in the case of the *WTO Agreement* including its *Multilateral Trade Agreements ("MTAs")*, the same became part of domestic law through transformation when the Senate concurred in its ratification through *Resolution No. 97*; and on this note, the *WTO Agreement* including the *WTO Agreement on Agriculture* attained the same force and effect as those laws passed by Congress, as ruled by the Supreme Court in *Pangilinan v. Cayetano*,⁵ to wit:

"The Senate's ratification of a treaty makes it legally effective and binding by transformation. It then has the force and effect of a statute enacted by Congress. xxx"

4. This Court rightly noted that the prevailing rule when the Senate issued *Resolution No. 97* was that the Philippines could no longer impose quantitative restrictions on the importation of agricultural goods. However, as for rice products, this prohibition was suspended when the Philippines was granted Special Treatment by the WTO, as reinstated by virtue of the *Waiver*, which allowed the country to impose quantitative restrictions on rice importations up until 30 June 2017. Hence, after the expiration of the *Waiver* on 30 June 2017, the provisions under the *WTO*

⁴ G.R. No. 189220, 07 December 2016.

⁵ G.R. Nos. 238875, 239483, and 240954, 16 March 2021.

Agreement and its *MTAs* (specifically, *Article XI of the GATT*) were rendered effective, including the prohibition on imposing quantitative restriction on the importation of rice. Thus, beginning 1 July 2017, the importation of rice to the Philippines no longer needed to be covered by an NFA Import Permit;

5. This Court also properly emphasized that even if *RA No. 11203* was enacted into law only on 14 February 2019, the same is of no moment since the *WTO Agreement* and its *MTAs* have the same force and effect as that of domestic law. Hence, upon expiration of the *Waiver* on 30 June 2017, these were deemed ineffective from that point on since, again, the Philippines could no longer impose quantitative restrictions on the importation of rice pursuant to the *WTO Agreement* and the *MTAs*; and

6. This Court correctly reiterated that when the petitioner imported the rice shipments on 14 June 2018, there was no need for it to secure an NFA Import Permit (which is a form of quantitative restriction) since the Philippines could no longer impose quantitative restrictions on rice pursuant to the *WTO Agreement* and its *MTAs*.

Following a studied review of the arguments, we **DENY** the Motion for lack of merit.

In *Ortigas and Company Limited Partnership vs. Judge Tirso Velasco and Dolores V. Molina, and Dolores V. Molina vs. Hon. Presiding Judge, RTC, Quezon City, Br. 105, and Manila Banking Corporation*,⁶ the Supreme Court had the occasion to rule in this wise:

*“Effect, and Disposition of
Motion for Reconsideration*

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, as above stated, 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.”

⁶ G.R. Nos. 109645 and 112564, Resolution, 4 March 1996.

Moreover, in *H. Harry L. Roque, Jr., et al. v. Commission on Election, represented by Hon. Chairman Jose Melo, et al.*,⁷ the Supreme Court *En Banc* ruled that whenever the issues raised in the Motion for Reconsideration have already been addressed and passed upon in the Decision, and the Motion for Reconsideration failed to raise matters which are substantially plausible or compellingly persuasive, enough to lead the Court to rule in favor of the desired course of action, then the Motion for Reconsideration will be denied by the Court, to wit:

“Petitioners’ above contention, as well as the arguments, citations, and premises holding it together, is a rehash of their previous position articulated in their memorandum in support of their petition. They have been considered, squarely addressed, and found to be without merit in the Decision subject hereof. The Court is not inclined to embark on another extended discussion of the same issue again...

XXX XXX XXX

While a motion for reconsideration may tend to dwell on issues already resolved in the decision sought to be reconsidered—and this should not be an obstacle for a reconsideration—the hard reality is that petitioners have failed to raise matters substantially plausible or compellingly persuasive to warrant the desired course of action.

XXX XXX XXX

WHEREFORE, the instant separate motions for reconsideration of the main and intervening petitioners are DENIED.”

This was reiterated in *Shangri-La International Hotel Management, Ltd., et al. v. Developers Group of Companies, Inc.*:⁸

“The bulk of the aforementioned grounds is a mere rehash of movant’s previous arguments. While DGC is correct in stating that a motion for reconsideration, by its very nature, may tend to dwell on issues already resolved in the decision sought to be reconsidered and that this should not be an obstacle for a reconsideration, the hard reality is that movant has failed to raise matters substantially plausible or compellingly persuasive to warrant the desired course of action.

Considering that the grounds presently raised have been sufficiently considered, if not squarely addressed, in the subject Decision, it behooves movant to convince the Court that certain findings or conclusions in the Decision are contrary to law. As it is, however, the instant motion does not raise any new or substantial legitimate ground or reason to justify the reconsideration sought.”

A perusal of the Motion shows that the arguments raised therein have already been sufficiently passed upon, discussed, threshed out, and judiciously resolved in the Decision, dated 23 February 2022, sought to be

⁷ G.R. No. 188456, Resolution, 10 February 2010

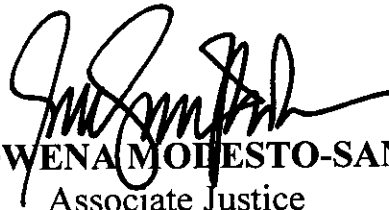
⁸ G.R. No. 159938, Resolution, 22 January 2007.

reconsidered. The Motion discloses no cogent reason to disturb the findings and conclusions which this Court made in said Decision.

Applying the judicial pronouncements, above, nothing is left for this Court to do but to deny the same.

WHEREFORE, the instant Motion for Partial Reconsideration (of the Decision dated 23 February 2022) is hereby **DENIED** for lack of merit.

SO ORDERED.



MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

WE CONCUR:



ERLINDA P. UY
Associate Justice



MA. BELEN M. RINGPIS-LIBAN
Associate Justice