REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
MANILA

C. N. HODGES,
Petitioner,

- versus - C.T.A. CASE NO. 836

BOARD OF ASSESSMENT APPEALS
OF ILOILO,
Respondent.

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D E C I S I O N

This is an appeal from respondent's decision affirming the assessment made by the City Assessor of Iloilo of petitioner's lot in Iloilo City in the amount of ₱164,320.00.

The parties stipulated as follows:

1. That it is hereby admitted that petitioner C. N. Hodges is the owner of a property described as Lot No. 10303-BB-10-(Part) in paragraph 2 of the petition for review;

2. That it is hereby stipulated and agreed by the parties that in the year 1958 the property mentioned in paragraph 1 hereof was assessed under Tax Declaration No. 28846 in the amount of ₱7,560.00;

3. That subsequently, Lot No. 906 assessed under Tax Declaration No. 9401 with an area of 10,287 square meters was added to and consolidated with Lot No. 1303-BB-10-(Part), described above, thereby making a total area of 179,880 square meters for which a new tax declaration cancelling the previous one was issued;

4. That on May 19, 1958 at the instance of and upon submission by petitioner C.N. Hodges of the consolidation and subdivision plan, the Director of Lands approved the said consolidation and subdivision plan of Lot No. 906 and Lot No. 1303-10-(part), covering the entire area sub-

ject of the instant petition, copy of said consolidation and subdivision plan is hereto attached and marked as Annex "A" and made an integral part of this stipulation;

5. That by virtue of and after the subdivision and consolidation of the areas mentioned in the preceding paragraphs, the City Assessor assessed the said lot, as consolidated and subdivided, under Tax Declaration No. 23008 on December 21, 1959 in the amount of ₱164,320.00 or at the rate of ₱1.00 per square meter;

6. That as a result of the subdivision of the area subject of this petition, petitioner sold to various persons since the year 1959 when the subdivision took effect, several lots included in the subdivision at the rate ranging from ₱2.00 to ₱5.00 per square meter;

7. That a portion of the subdivision is presently devoted to the planting of rice and corn.

The only issue raised for our consideration is whether or not the instant valuation for tax purposes is excessive and confiscatory.

Petitioner contends the affirmative on the assertion that 75% of the land in question is agricultural land and only 25% thereof is residential in character. He advocates its appraisal at ₱47,597.73, instead of at ₱164,320.00.

It is to be observed that, as stipulated by the parties, the subdivision of the land into lots for sale to the public has been approved by the Director of Lands. In pursuance of an unnumbered Provincial Circular, dated July 16, 1947, of the Department of Finance, subdivision lots in chartered cities should be assessed at their true and full value as urban lands. For, the purpose of platting land is to add to its value, its salability, its market value (see Hillman's Snohomish County Land & R. Co. vs. Snohomish County, 87 Wash. 58, 151 Pac. 96). Therefore, the fact that a portion of the subdivision is presently devoted to the planting of rice and corn does not foreclose its assessment for tax purposes as an urban land.

As stipulated, since the subdivision took effect in 1959, several lots have been sold by petitioner at the rate ranging from ₱2.00 to ₱5.00 per square meter. In this circumstance, the aforecited unnumbered Provincial Circular enjoins that "70 per cent of the price at which such lots are sold may be considered as the true value thereof x x x". And it appearing that the valuation in question is only at ₱1.00 per square meter or only 50% of the lowest price at which lots were sold, we find that the same is fair and justified.

WHEREFORE, the instant appeal is hereby dismissed, with costs against petitioner.

SO ORDERED.

Manila, August 18, 1961.

MARIANO NABLE
Presiding Judge

WE CONCUR:

AUGUSTO M. LUCIANO
Associate Judge

ROMAN M. UMALI
Associate Judge

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