REPUBLIC OF THE PHILIPPINES
**COURT OF TAX APPEALS**
QUEZON CITY

**EN BANC**

**COMMISSIONER OF INTERNAL REVENUE,**
*Petitioner,*

-versus-

**ZENOREX MARKETING CORPORATION,**
*Respondent.*

**CTA EB No. 2865**
(CTA Case No. 10175)

Present:

**RINGPIS-LIBAN,** *P.J.,*
**BACORRO-VILLENA,**
**MODESTO-SAN PEDRO,**
**REYES-FAJARDO,**
**CUI-DAVID,**
**FERRER-FLORES,** and
**ANGELES,** *JJ.*

Promulgated:
APR 30 2026 3:10 pm

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# RESOLUTION

*REYES-FAJARDO, J.:*

On November 28, 2025, the Court promulgated a Decision, the dispositive portion of which reads:[1]

> **WHEREFORE**, in light of the foregoing considerations, the Petition for Review is **DENIED** for lack of merit. Accordingly, the Decision dated July 10, 2023 and the Resolution dated January 24, 2024 of the Special Second Division of this Court in CTA Case No. 10175 are **AFFIRMED**.
>
> **SO ORDERED.**

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1 Decision, Docket — pp. 73 to 86.

In said Decision, the Court *En Banc* affirmed the Decision[2] and Resolution[3] of the Special Second Division of this Court ("Court in Division"), and annulled petitioner's *Final Decision*[4] upholding the deficiency Expanded Withholding Tax (EWT) and Withholding Tax on Compensation (WTC) assessments against respondent for taxable year (TY) 2007 for want of authority.

In ruling so, the Court found, among others, that the Revenue Officers (ROs) who conducted the investigation of respondent were not duly authorized to do so, rendering the subject tax assessments void.

Unyielding, petitioner filed his *Motion for Reconsideration,* arguing that the Court erred in invalidating the deficiency tax assessments on the ground of lack of authority, as respondent allegedly failed to raise the absence of a Letter of Authority (LOA) in its administrative protests and in its Petition for Review, and is thus estopped from questioning the same. Petitioner further contends that RO Raul M. Aquino and Group Supervisor (GS) Celestino Viernes were duly authorized to conduct the audit pursuant to the existing LOA, that their acts were ratified by the Regional Director (RD) through the issuance of the Preliminary Assessment Notice (PAN) and Final Assessment Notice (FAN), and that reassignment through a Memorandum of Assignment (MOA) sufficed, thereby rendering the assessments valid and enforceable.[5]

On the other hand, respondent argues that petitioner's *Motion* is a mere rehash of arguments already resolved by the Court. Respondent maintains that the absence of a valid LOA is a jurisdictional defect that renders the deficiency tax assessments void and may be raised at any stage of the proceedings. Respondent further argues that an LOA is a statutory grant of power—not a contract of agency—such that alleged ratification by the RD or reassignment through a MOA cannot cure the lack of authority, consistent with settled jurisprudence.[6]

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[2] Dated July 10, 2023, Docket – pp. 20 to 46.

[3] Dated January 24, 2024, Docket – pp. 47 to 52.

[4] Dated August 15, 2019.

[5] Motion for Reconsideration filed via registered mail on December 15, 2025 and received by the Court on December 18, 2025, Docket – unpaginated.

[6] Comment/Opposition filed via LBC on December 29, 2025 and received by the Court on January 5, 2026, Docket – unpaginated.

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We find the *Motion* devoid of merit.

At the onset, a careful reading of petitioner's *Motion* reveals that it merely reiterates arguments already raised in his Petition for Review and exhaustively addressed in the Decision. These arguments have already been considered and squarely rejected by both the Court in Division and the Court *En Banc*. To reinvent the wheel is a wastage of Court's time and resources.[7]

In any event, the *Motion* fails for the same reason already explained in the Decision.

Petitioner's insistence that respondent is barred from questioning the authority of the ROs due to alleged belated invocation or estoppel is misplaced. As the Court ruled, the authority of ROs to conduct a tax audit is jurisdictional. A defect in such authority goes into the very validity of the assessment and may be raised at any stage of the proceedings.[8]

Equally unavailing is petitioner's attempt to cure the defect through theories of ratification or agency. An LOA is a statutory grant of power by which the Commissioner of Internal Revenue (CIR) delegates investigatory authority to ROs,[9] as governed by Sections 6, 10(c), and 13 of the National Internal Revenue Code (NIRC) of 1997, as amended, and not by the general rules on agency under the Civil Code.

Petitioner's contention that reassignment through a MOA suffices likewise fails. Consistent with jurisprudence, the reassignment of a taxpayer investigation to another RO must likewise be effected through an LOA. Where an investigation is transferred from one RO to another, the BIR official authorized to issue LOAs must issue a new LOA in favor of the RO newly assigned to the case.[10]

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7 *Social Justice Society (SJS) Officers, et al. v. Lim*, G.R Nos. 187836 & 187916, March 10,2015.

8 *Himlayang Pilipino Plans, Inc. v. Commissioner of Internal Revenue*, G.R. No. 241848, May 14, 2021.

9 *Republic v. Robiegie Corp.*, G.R. No. 260261, October 3, 2022.

10 *Id.*

Here, despite the conduct of audit and examination of respondent's books by RO Aquino and GS Viernes for the TY 2007, no new LOA was issued in their names. Absent a new or separate LOA issued by the CIR or his duly authorized representative, RO Aquino and GS Viernes lacked authority to conduct the audit and recommend the issuance of the deficiency tax assessments. The resulting assessments are therefore void and produce no legal effect.[11]

In fine, petitioner failed to demonstrate any cogent reason to reverse or modify the Court's ruling.

**WHEREFORE,** petitioner's *Motion for Reconsideration* is **DENIED** for lack of merit. The Decision promulgated on November 28, 2025 is **AFFIRMED.**

**SO ORDERED.**

Marian Ivy F. Reyes-Fajardo

**MARIAN IVY F. REYES-FAJARDO**
Associate Justice

**WE CONCUR:**

**MA. BELEN M. RINGPIS-LIBAN**
Presiding Justice

**JEAN MARIE A. BACORRO-VILLENA**
Associate Justice

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11 *Commissioner of Internal Revenue v. Marily Development Corp.*, G.R. No. 263794, April 2, 2025; *People v. E & D Parts Supply, Inc.*, G.R. No. 259284, January 24, 2024; *Republic v. Robiegie Corp.*, G.R. No. 260261, October 3, 2022; *Commissioner of Internal Revenue v. McDonald's Philippines Realty Corp.*, G.R. No. 242670, May 10, 2021; *Medicard Philippines, Inc. v. Commissioner of Internal Revenue*, G.R. No. 222743, April 5, 2017.

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**MARIA ROWENA MODESTO-SAN PEDRO**
Associate Justice

**LANEE S. CUI-DAVID**
Associate Justice

**CORAZON G. FERRER-FLORES**
Associate Justice

**HENRY S. ANGELES**
Associate Justice