

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

SECOND DIVISION

**GEORGE T. OLIVO and CASH
WORLD LENDING, INC.,**

Petitioners,

CTA CASE NO. 8755

Members:

- versus -

CASTAÑEDA, JR., *Chairperson,*
CASANOVA, and
COTANGCO-MANALASTAS, JL

**COMMISSIONER OF INTERNAL
REVENUE and Revenue District
Officer, LEONORA R. RUIZOL, of
the Revenue District No. 36,
Puerto Princesa City,**

Respondents.

Promulgated:

FEB 27 2015

2:25 PM

[Signature]

x-----x

RESOLUTION

CASANOVA, L:

Submitted before this Court is respondents' "**MOTION FOR RECONSIDERATION (Re: Decision dated 15 December 2015)**" filed on December 23, 2014 with petitioners' "**Comment/Opposition (to the Respondents' Motion for Reconsideration dated January 5, 2015)**" filed through registered mail on February 2, 2015.

In their Motion, respondents pray that this Court reconsider, reverse and set aside the Decision (the "Assailed Decision") dated December 15, 2014 and a new one be rendered dismissing the instant Petition for Review for utter lack of merit. The dispositive portion of the Assailed Decision reads as follows:

"WHEREFORE, premises considered, the Petition for Review is GRANTED. Accordingly, respondent is hereby ORDERED to REFUND or to ISSUE A TAX CREDIT"

RESOLUTION

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CERTIFICATE to petitioner-Cash World Lending, Inc. the amount of Four Million Fifty Seven Thousand One Hundred Eighty-Seven and 92/100 Pesos (₱4,057,187.92) representing erroneously paid penalty and surcharges on the Capital Gains Tax (CGT) and Documentary Stamp Tax (DST) for the sale of real properties.

SO ORDERED."

Respondents claim that the Assailed Decision is replete with grievous reversible errors, one of which is that this Court has no jurisdiction to entertain petitioner's Petition for Review. Respondents assert that petitioner-Cash World Lending, Inc. is not the statutory taxpayer but rather petitioner George T. Olivo; thus, the instant case should be dismissed since it was not the latter who filed the administrative claim for refund required by law, thereby divesting this Court of jurisdiction. Respondents, likewise, assert that, other than the fact that petitioner-Cash World Lending, Inc. is not the proper party to claim for refund, it nonetheless, failed to provide sufficient factual basis to establish its claim for refund.

On the other hand, petitioners, in their comment, assert that respondents' Motion for Reconsideration is a mere rehash of the arguments presented by respondents during the trial of the instant case. As such, petitioners pray that respondents' Motion be denied due course for utter lack of merit.

After cautiously evaluating the arguments presented by both parties, this Court finds no merit in the instant Motion for Reconsideration.

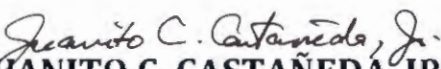
A perusal of the instant Motion shows that the issues raised therein have already been analyzed and passed upon extensively in the assailed Decision, including the jurisprudence cited therein. The grounds raised by respondents in their Motion did not raise anything new to merit reconsideration of the Assailed Decision.

WHEREFORE, premises considered, respondents' Motion for Reconsideration is **DENIED** for lack of merit. *a*

SO ORDERED.


CAESAR A. CASANOVA
Associate Justice

We Concur:


JUANITO C. CASTAÑEDA, JR.
Associate Justice


AMELIA R. COTANGCO-MANALASTAS
Associate Justice

