

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

PHILIPPINE
INC.,

AIRLINES,
Petitioner,

CTA EB NO. 2657
(CTA CASE NO. 10133)

-versus-

Present:

DEL ROSARIO, P.J.,
UY,
RINGPIS-LIBAN,
MANAHAN,
BACORRO-VILLENA,
MODESTO-SAN PEDRO,
REYES-FAJARDO, and
CUI-DAVID, JJ.

COMMISSIONER OF
INTERNAL REVENUE,
Respondent.

Promulgated:

OCT 12 2022

Tebarles
11:53 am

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RESOLUTION

On September 28, 2021, the Court of Tax Appeals (CTA) Second Division issued a decision, which denied the excise tax refund of petitioner Philippine Airlines, Inc. (PAL) for lack of merit.¹

On October 18, 2021, PAL received the decision.² Accordingly, it had fifteen days or until **November 2, 2021, a working day**, to file a motion for reconsideration under Rule 15, Section 1 of the Revised Rules of the Court of Tax Appeals (RRCTA).

However, it was only on November 3, 2021, a day *after* the last day set by the rules, when PAL filed a Motion for Partial Reconsideration by registered mail.³

¹ Annex A, Petition for Review, *Rollo*, pp. 43-71.

² Petition for Review, *Rollo*, p. 15; LBC Receipt, Tracking No. 1270 6562 1716, Division Docket, Vol. II, p. 793; LBC Express website:
<https://www.lbcexpress.com/track/MTI3MDY1NjIxNzE2aGFzaGxiY2V4cHJlc3M=> last accessed September 19, 2022; CTA Case No. 10133, Division Docket, Vol. II, p. 793.

³ June 22, 2022 Resolution, *Rollo*, p. 73.

In *Barrio Fiesta Restaurant, et al. v. Beronia*,⁴ the Supreme Court underlined the principle that for purposes of determining its timeliness, a *motion for reconsideration* may properly be treated as an appeal. As a step to allow the court below to correct itself before review by a higher court, a motion for reconsideration must necessarily be filed within the period to appeal. When filed beyond such period, the motion for reconsideration *ipso facto* forecloses the right to appeal.

“The fifteen-day reglementary period for filing a motion for reconsideration is non-extendible.

In *Ponciano Jr. v. Laguna Lake Development Authority, et al.*, the Court refused to admit a motion for reconsideration filed only one day late, pointing out that the Court has, in the past, similarly refused to admit belatedly filed motions for reconsideration.

Without a motion for reconsideration of the CA’s June 21, 2012 decision duly filed on time, the petitioners lost their right to assail the CA decision before this Court. ‘For purposes of determining its timeliness, a motion for reconsideration may properly be treated as an appeal. As a step to allow an inferior court to correct itself before review by a higher court, a motion for reconsideration must necessarily be filed within the period to appeal. When filed beyond such period, the motion for reconsideration *ipso facto* forecloses the right to appeal.’

In other words, the petitioners’ failure to timely file the motion for reconsideration foreclosed any right which they may have had under the rules not only to seek reconsideration of the CA’s June 21, 2012 decision; more importantly, the failure foreclosed their right to assail the CA decision before this Court.” (Underscoring supplied; citations omitted)

Since the timely perfection of an appeal is jurisdictional, the Court *a quo* had no more authority to act on the motion filed by PAL. Therefore, inasmuch as the appealed decision *had lapsed into finality*, the same may no longer be modified in any respect.

Furthermore, in *Labao v. Flores, at al.*,⁵ the Supreme Court stressed the importance of timeliness of appeals and, accordingly, reversed the Court of Appeals when it acted on a petition for certiorari that was filed *late*:

“Time and again, we have stressed that procedural rules do not exist for the convenience of the litigants; the rules were established primarily to provide order to, and enhance the efficiency of, our judicial system. While procedural rules are liberally construed, the provisions on reglementary periods are strictly applied, indispensable as they are to the prevention of needless delays, and are necessary to the orderly and speedy discharge of judicial

⁴ G.R. No. 206690, July 11, 2016.

⁵ G.R. No. 187984, November 15, 2010.

business. The timeliness of filing a pleading is a jurisdictional caveat that even this Court cannot trifle with.

Viewed in this light, procedural rules are not to be belittled or dismissed simply because their non-observance may have prejudiced a party's substantive rights; like all rules, they are required to be followed.

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Needless to stress, a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land. All the issues between the parties are deemed resolved and laid to rest once a judgment becomes final and executory; execution of the decision proceeds as a matter of right as vested rights are acquired by the winning party. Just as a losing party has the right to appeal within the prescribed period, the winning party has the correlative right to enjoy the finality of the decision on the case. After all, a denial of a petition for being time-barred is tantamount to a decision on the merits. Otherwise, there will be no end to litigation, and this will set to naught the main role of courts of justice to assist in the enforcement of the rule of law and the maintenance of peace and order by settling justiciable controversies with finality.” *(Citations omitted and underscoring supplied)*

WHEREFORE, in view of the foregoing, the Court is constrained to **DISMISS** the petition for lack of jurisdiction.

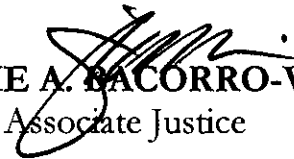
SO ORDERED.

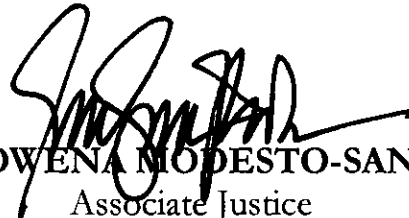

ROMAN G. DEL ROSARIO
Presiding Justice


ERLINDA P. UY
Associate Justice


MA. BELEN M. RINGPIS-LIBAN
Associate Justice


CATHERINE T. MANAHAN
Associate Justice


JEAN MARIE A. BACORRO-VILLENA
Associate Justice


MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

(On Leave)
MARIAN IVY F. REYES-FAJARDO
Associate Justice


LANEE S. CUI-DAVID
Associate Justice