REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

TAGUIG CITY TREASURER AND THE CITY GOVERNMENT OF TAGUIG,
Petitioners,

- versus -

FORBESWOOD HEIGHTS CONDOMINIUM ASSOCIATION, INC.,
Respondent.

CTA EB No. 2888
(Formerly [RTC] SCA Case No. 296 and [MeTC] Civil Case No. 22-4601)

Present:

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

Promulgated:

JAN 2 3 2026 4:20pm

x- -x

RESOLUTION

REYES-FAJARDO, *J.*:

For resolution by the Court *En Banc* is petitioners' Motion for Reconsideration (of the Decision dated 15 May 2025) (Motion)[1] in CTA EB No. 2888 posted on June 19, 2025, with respondent's Comment/Opposition [To the Motion for Reconsideration on the Honorable Court's Decision dated 15 May 2025] filed on July 1, 2025.[2]

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1 *Rollo*, pp. 95-106.
2 *Id.* at pp. 108-119.

In the assailed Decision dated May 15, 2025,[3] the Court *En Banc* affirmed the findings of the Regional Trial Court, Branch 153 of Taguig City (RTC-Taguig), in SCA Case No. 296, which ordered the refund of erroneously collected and paid Local Business Tax (LBT) for the year 2022 in the amount of ₱624,481.37 in favor of respondent, a condominium corporation not engaged in business. The dispositive portion reads:

> **WHEREFORE,** the Petition for Review, filed by Taguig City Treasurer and the City Government of Taguig on March 20, 2024 in CTA EB No. 2888, is **DENIED**, for lack of merit.
>
> **SO ORDERED.**

The Court *En Banc* held that a condominium corporation's collection of association dues, membership fees and other charges for the maintenance and management of the condominium project and its common areas lacks a profit-oriented motive and does not constitute business under the Local Government Code (LGC). As pronounced in *Luz R. Yamane v. BA Lepanto Condominium Corporation (Yamane)*[4] and *Fritz Bryn Anthony M. Delos Santos v. Commissioner of Internal Revenue, (Delos Santos)*[5], such activity does not warrant the imposition of LBT.

In its Motion, petitioners argue that the Court erred in relying on *Yamane* while disregarding Article VI, Section 28(4) of the 1987 Constitution, which grants Congress the exclusive authority to grant tax exemptions. Petitioners contend that, in the absence of a law expressly exempting condominium corporations from LBT, courts have no basis to extend such exemptions. They further maintain that condominium corporations fall within the definition of "contractor" under Section 131 (h), and respondent's collection of dues for maintenance, repairs and administrative services constitute contractor-like functions subject to LBT.

By way of Comment, respondent asserts that imposing LBT on a condominium corporation that exists solely for the benefit of its unit owners would be unjust not because it is exempt, but because it is not engaged in trade or business as defined under the LGC.

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[3] *Id.* at pp. 91-100.
[4] G.R. No. 154993, October 25, 2005.
[5] G.R. No. 222548, June 22, 2022.

The Motion is denied.

Indeed, petitioners' arguments were already addressed and found unpersuasive by the Court *En Banc* in the assailed Decision. The Court *En Banc* rejected the assertion that respondent, a condominium corporation, is liable for LBT based on its classification as a contractor. Citing *Yamane* and *Delos Santos*, the Court *En Banc* emphasized that condominium corporations are not engaged in trade or business, as the collection of dues is solely for the maintenance and management of the common areas and lacks any profit motive.

Finding no compelling reason to disturb the assailed Decision, the Court *En Banc* sees no need to reiterate pertinent portions of the Decision or re-write the *ponencia* in accordance with the outline of the instant motion.[6] In this regard, the pronouncement in *Social Justice Society (SJS) Officers, et al. v. Lim*[7] on the effect and disposition of a motion for reconsideration is instructive:

> 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.

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

7 *Id.*

WHEREFORE, petitioners' Motion for Reconsideration, posted on June 19, 2025 is **DENIED** for lack of merit.

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

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

LANEE S. CUI-DAVID
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

HENRY S. ANGELES
Associate Justice