REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

LAND BANK OF THE PHILIPPINES,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA CASE NO. 8684

Members:

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

Promulgated:

APR 18 2016 4:27 pm

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RESOLUTION

CASTAÑEDA, JR., *J.*:

This addresses petitioner's **Motion for Reconsideration**, filed through registered mail on February 26, 2016 and received by the Court on March 9, 2016, with respondent's **Comment/Opposition (Re: Motion for Reconsideration of the Decision dated 21 January 2016)**, filed on March 30, 2016.

Petitioner seeks reconsideration of the Court's Decision[1] promulgated on January 21, 2016, the dispositive portion of which reads:

> "**WHEREFORE**, in view thereof, the instant Petition filed by Land Bank of the Philippines is hereby **DISMISSED** for lack of jurisdiction.

[1] Docket, pp. 196-212.

SO ORDERED."[2]

Petitioner theorizes that the Court has acquired jurisdiction over the case as the One-Time Transaction Computation Sheet (ONETT) issued by respondent is an "assessment" contemplated under Section 228 of the National Internal Revenue Code (NIRC) of 1997, as amended. Petitioner claims that by filing a protest thereto, the assessment becomes a "disputed assessment", which if unacted by the respondent, may be the subject of review by the Court in the exercise of its appellate jurisdiction.

Respondent, on the other hand, contends that there is no disputed assessment to speak of since petitioner paid the surcharge, interests and penalties for late remittance of Expanded Withholding Tax (EWT) and Documentary Stamp Tax (DST), and thus, there can be no "inaction" involving a "disputed assessment" over which the Court may exercise its appellate jurisdiction.

At the outset, it bears stressing that the point raised by petitioner in the instant Motion for Reconsideration was thoroughly discussed and passed upon by the Court in the assailed Decision. To recapitulate, the pertinent portions of the assailed Decision read:

> "The Court is now confronted with the question of whether the ONETT Computation Sheet is the assessment contemplated under Section 228 of the NIRC of 1997, as amended.
>
> In the case of *Commissioner of Internal Revenue v. PASCOR Realty and Development Corporation, et al.,* the Supreme Court explained that 'an assessment informs the taxpayer that he or she has tax liabilities. But not all documents coming from the BIR containing a computation of the tax liability can be deemed assessments'. Likewise, an 'assessment contains not only a computation of tax liabilities, but also a demand for payment within a prescribed period'.
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> The ONETT Computation Sheet states the computation of tax liabilities which a taxpayer is required to pay. However, it does not formally inform petitioner of its tax liabilities and there is no formal demand to pay the

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[2] Docket, pp. 211-212.

same. Without the formal demand for payment, petitioner has no way to determine the period within which to protest the tax liabilities made by respondent. After all, the issuance of an assessment is vital in determining the period of limitation regarding its proper issuance and the period within which to protest it.

Therefore, the ONETT Computation Sheet is not the assessment contemplated under Section 228 of the NIRC of 1997, as amended, that would require a protest from petitioner.

Consequently, the Court can only acquire jurisdiction over matters that are clearly granted by RA No. 9282, as amended, *i.e.*, decision or inaction of respondent over petitioner's disputed assessment pursuant to Section 228 of the NIRC of 1997, as amended.

Considering the foregoing, the instant Petition must fail for lack of jurisdiction of this Court."

WHEREFORE, in view of the foregoing, petitioner's **Motion for Reconsideration** is hereby **DENIED** for lack of merit.

SO ORDERED.

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

WE CONCUR:

CAESAR A. CASANOVA
Associate Justice

AMELIA R. COTANGCO-MANALASTAS
Associate Justice