REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

Special Third Division

MAJOR SHOPPING MANAGEMENT CORPORATION, Petitioner,	**CTA CASE NO. 9300**
	Members:
-versus-	**RINGPIS-LIBAN,** *Chairperson,* **MODESTO-SAN PEDRO,** *and* **FERRER-FLORES,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: JUL 19 2024 3:08 p.m.

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RESOLUTION

MODESTO-SAN PEDRO, J.:

For the Court's resolution is respondent's *Motion for Reconsideration (Re: Decision promulgated 25 April 2024)*, filed on May 15, 2024, with petitioner's *Comment (On Respondent's Motion for Reconsideration (Re: Decision promulgated 25 April 2024) dated May 14, 2024)*, filed on June 13, 2024. Petitioner seeks the reversal of this Court's Decision, dated April 25, 2024, arguing that (a) *Commissioner of Internal Revenue v. Fitness By Design, Inc.*[1] ("*Fitness*") is inapplicable to this case; (b) the Formal Letter of Demand ("FLD") included a definite demand for payment; and (c) he considered petitioner's arguments in issuing the assailed Final Decision on Disputed Assessment ("FDDA").

The Motion is bereft of merit.

Argument (a) is based on the patently erroneous claim that *Fitness* is based on *Commissioner of Internal Revenue v. Menguito*[2] ("*Menguito*"). Across the 147 footnotes in *Fitness*, *Menguito* is only cited a paltry four times, debunking respondent's claim that the former is substantially based on the latter. In any event, the factual milieu in *Menguito*, which is different from that in *Fitness*, is irrelevant to this case as We did not base Our ruling on said

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[1] G.R. No. 215957, November 9, 2016.
[2] G.R. No. 167560, September 17, 2008.

jurisprudence. We based it on *Fitness*, about whose facts respondent is tellingly silent.

Argument (b) completely ignores Our discussion of that issue and thus fails to identify any error. In particular, respondent says nothing about the lack of a definite due date in the Assessment Notices. Our finding on that matter consequently remains unchallenged.

Similarly, argument (c) misses the point. It is well within respondent's right to reject a taxpayer's protest. There is nothing procedurally unsound with finding such protests unsubstantial, after careful consideration. The problem is the lack of stated *reasons* for such findings. A FDDA could have a correct ruling or have been produced through an intensive study of the issues, but it would still be inadequate if it does not explain *how* such ruling was reached or *why* certain arguments were accepted while others were rejected.

As We have already found, the FDDA here lacks such explanations. Respondent does not even deny this, instead pointing to proof that he considered petitioner's protests. However, and to reiterate, this is irrelevant to the issue. Even if respondent carefully considered petitioner's arguments, no explanation or discussion of said consideration was included in the FDDA. *That* is what ultimately rendered said issuance void.

In sum, the Motion discloses no cogent reason to reverse the assailed Decision.

ACCORDINGLY, respondent's Motion for Reconsideration (Re: Decision promulgated 25 April 2024) is hereby **DENIED** for lack of merit. The assailed Decision, dated April 25, 2024, is hereby **AFFIRMED**.

SO ORDERED.

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

WE CONCUR:

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice