REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

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CE CASECNAN WATER AND ENERGY COMPANY, INC., Petitioner-Appellant,	**CTA EB No. 1380** (CBAA Case Nos. L-68, L-73, and L-78)
- versus -	
THE PROVINCE OF NUEVA ECIJA, THE OFFICE OF THE PROVINCIAL ASSESSOR OF NUEVA ECIJA and THE OFFICE OF THE PROVINCIAL TREASURER OF NUEVA ECIJA, Respondents-Appellees,	
NATIONAL IRRIGATION ADMINISTRATION and DEPARTMENT OF FINANCE, As Necessary Parties.	

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THE PROVINCE OF NUEVA ECIJA, THE OFFICE OF THE PROVINCIAL ASSESSOR OF NUEVA ECIJA and THE OFFICE OF THE PROVINCIAL TREASURER OF NUEVA ECIJA, Petitioner-Appellant,	**CTA EB No. 1420** (CBAA Case Nos. L-68, L-73, and L-78)
- versus -	***Present:***
CE CASECNAN WATER AND ENERGY COMPANY, INC., Respondents-Appellees,	**DEL ROSARIO,** P.J., **CASTAÑEDA, JR., BAUTISTA, UY, CASANOVA, FABON-VICTORINO, MINDARO-GRULLA, RINGPIS-LIBAN,** and **MANAHAN,** JJ.
NATIONAL IRRIGATION ADMINISTRATION and DEPARTMENT OF FINANCE, As Necessary Parties.	***Promulgated:*** MAR 27 2018 3:59 p.m.

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RESOLUTION

UY, J.:

For resolution is the **"MOTION FOR PARTIAL RECONSIDERATION of the *Decision* dated November 10, 2017"** of CE Casecnan Water and Energy Company, Inc. (CE Casecnan) filed on December 13, 2017, with the **"COMMENT/OPPOSITION (To CE Casecnan's Partial Motion for Reconsideration)"** of the Province of Nueva Ecija, Provincial Treasurer, and Provincial Assessor (Province, *et al.*), filed on January 3, 2018, seeking the partial reconsideration of this Court's Decision dated November 10, 2017, the dispositive portion of which reads:

> "**WHEREFORE**, in light of the foregoing considerations, the *Petition for Review* filed by CE Casecnan in CTA EB No. 1380 is **PARTIALLY GRANTED**; Accordingly, CTA EB No. 1380 is **REMANDED** to the Office of the Provincial Assessor of Nueva Ecija for the proper determination of CE Casecnan's RPT liability considering EO No. 173.
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> The *Petition for Review* filed by the Province of Nueva Ecija, the Provincial Treasurer and the Provincial Assessor in CTA EB No. 1420 is also **PARTIALLY GRANTED**. Accordingly, the Resolution dated August 21, 2015 of the CBAA in so far as it states that the right to due process of CE Casecnan was violated is **REVERSED** and **SET ASIDE**.
>
> **SO ORDERED**."

In support of its *Motion for Partial Reconsideration*, CE Casecnan argues that contrary to the ruling of this Court in the assailed Decision, its right to due process was infringed upon in the proceedings before the Local Board of Assessment Appeals (LBAA) of Nueva Ecija in connection with LBAA Case No. 001-05. Petitioner posits that the LBAA is statutorily mandated to conduct actual hearings. In this case, however, CE Casecnan claims that the LBAA did not conduct any actual hearings and instead, rendered judgment without any evidentiary basis.

CE Casecnan also submits that the subject properties, machinery and equipment are exempt from real property tax (RPT). According to CE Casecnan, the National Irrigation Authority (NIA) has actual, direct and exclusive use of the properties. Hence, petitioner contends that this Court should have ruled that it is NIA, and not CE Casecnan, that should be held liable for any RPT that may be due on the subject properties.

Further, assuming that the subject properties are not exempt from RPT, they should be classified as Special Classes under Sections 216 and 218 of the Local Government Code (LGC).

CE Casecnan likewise claims that this Court should have modified the dispositive portion of the CBAA Resolution dated August 21, 2015, insofar as it stated that there was no valid ordinance revising the Schedule of Market Values (SMV) for the years 2003 to 2005. According to CE Casecnan, the appeals it filed with the CBAA refer to the taxable years 2002 to 2006 and not to the years 2003 to 2005. Further, CE Casecnan claims that based on the discussion on the body of the CBAA Resolution, CBAA referred to the taxable years 2002 to 2006. Hence, CE Casecnan posits that there was a mistake in the dispositive portion of the CBAA Resolution which must be corrected by this Court.

Finally, CE Casecnan argues that this Court should have directed the Office of the Provincial Treasurer of the Province to return to CE Casecnan the RPT allegedly due for the years 2002 to 2006 which CE Casecnan paid under protest.

On the other hand, the Province, *et al.* argues that this Court is correct in reversing the CBAA's resolution and finding that CE Casecnan's right to due process was not violated.

The Province, *et al.* also submits that the subject properties are not exempt from RPT and that CE Casecnan, not NIA, is liable for the payment of RPT. Further, the Province, *et al.* argues that the subject properties do not fall under the classification of "Special Classes" of real property under Section 218 of the LGC considering that the said properties are not owned nor used by NIA.

The Province, *et al.* likewise aver that the order remanding the case to the Office of Provincial Assessor of Nueva Ecija is proper;

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and that CE Casecnan has not presented any evidence as to the true market value of its property, equipment and machinery.

Further, the Province *et al.* claim that since RPT must be paid by CE Casecnan up to the year 2021, there is no need to issue an order for refund; and that assuming that there was an excess payment, the excess payment may be the subject of a tax credit.

THE COURT'S RULING

We deny the instant *Motion for Partial Reconsideration*.

A careful perusal of the *Motion for Partial Reconsideration* shows that the arguments raised in the said Motion are mere reiterations of matters which have already been considered, weighed and resolved in the assailed Decision. The Court *En Banc* shall, however, address CE Casecnan's claim that this Court should have modified the dispositive portion of the CBAA Resolution and directed the Office of the Provincial Treasurer of Nueva Ecija to return to CE Casecnan the RPT allegedly due for the years 2002 to 2006 which CE Casecnan paid under protest.

CE Casecnan claims that this Court should have modified the dispositive portion of the CBAA Resolution insofar as it stated that there was no valid ordinance revising the SMV for the years 2003 to 2005. According to CE Casecnan, considering that the appeals it filed with the CBAA and the body of the CBAA Resolution dated August 21, 2015 refer to the taxable years 2002 to 2006, the dispositive portion of the CBAA Resolution must likewise reflect the same years and not taxable years 2003 to 2005. Further, CE Casecnan argues that this Court should have directed the Office of the Provincial Treasurer of the Province to return to CE Casecnan the RPT allegedly due for the years 2002 to 2006 which CE Casecnan paid under protest.

We disagree.

In the Assailed Decision, this Court remanded the case to the Office of the Provincial Assessor of Nueva Ecija and ordered that Executive Order (EO) No. 173 must be considered in resolving the proper amount to be collected and in the determination of whether CE Casecnan is entitled to a refund on the basis of the said EO.

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In view of the remanding of the case, this Court finds it unnecessary to order the correction of the dispositive portion of the CBAA Resolution dated August 21, 2015, considering that the proper amount to be collected in light of the application of EO No. 173 has not yet been determined by the Provincial Assessor.

As corollary, this Court likewise deemed it unnecessary and premature, at this point, to order the refund of the RPT paid under protest by CE Casecnan, considering that the amount of its RPT liabilities has yet to be determined by the Provincial Assessor, pursuant to the same EO No. 173.

Hence, finding no compelling reason to reconsider, modify or reverse the said Decision, We shall no longer belabour, in this Resolution, to repeat the disquisitions made therein.

WHEREFORE, premises considered, the instant Motion for Reconsideration is **DENIED** for lack of merit.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

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

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice

INHIBITED
MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CATHERINE T. MANAHAN
Associate Justice