REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

FIRMENICH (PHILIPPINES), INC., *Petitioner,*	**CTA *EB* NO. 2992** (CTA Case No. 10209)
	Present:
-versus-	**RINGPIS-LIBAN**, *P.J.,* **BACORRO-VILLENA, MODESTO-SAN PEDRO, REYES-FAJARDO, CUI-DAVID, FERRER-FLORES, ANGELES, TESTON**, *and* **CENTENO-DIJAMCO**, *JJ.*
COMMISSIONER OF INTERNAL REVENUE, *Respondent.*	Promulgated: JUL 29 2026 4:30pm

x- -x

RESOLUTION

CUI-DAVID, J.:

Before the Court *En Banc* is petitioner's *Motion for Reconsideration,* [1] filed on January 2, 2026, without respondent's comment. [2] Petitioner seeks the reversal and setting aside of the *Decision* of the Court *En Banc* promulgated on December 15, 2025, which denied its *Petition for Review.* The dispositive portion of the assailed *Decision* reads:

> **WHEREFORE**, premises considered, the instant *Petition for Review* filed by Firmenich (Philippines), Inc. on September 13, 2024 is **DENIED** for lack of merit.
>
> Accordingly, the *Decision* dated March 13, 2024, and the *Resolution* dated August 13, 2024, of the Court's Special First Division in CTA Case No. 10209 are **AFFIRMED**.

[1] *En Banc* (*EB*) Docket, pp. 80-115.
[2] Records Verification dated March 17, 2026.

SO ORDERED.[3]

In its *Motion,* petitioner alleges that it substantially complied with the requirement to allege jurisdictional facts in the pleading by submitting evidence proving such facts and by having the parties stipulate to the same. According to petitioner, it formally offered the *Denial Letter* of Regional Director Glen A. Geraldino (**RD Geraldino**), the receipt of the said denial letter was stipulated by both parties, and the matter was tried with the express consent of both parties.

Petitioner further avers that the amendment to the procedure for claiming VAT refund under Revenue Memorandum Circular (**RMC**) No. 47-2019 [4] caused an ambiguity that excuses the purported lapse in procedure. According to petitioner, RMC No. 47-2019 allows the outright disallowance of claims for refund when such is deemed unsupported, and this outright disallowance may already be done at the level of the Revenue District Office. Petitioner theorizes that this outright denial need not be signed by the Regional Director. Petitioner also argued that the *Letter* issued by Revenue District Officer Ray Anthony O. Geli (**RDO Geli**) already had a tenor of finality.

The Court *En Banc* resolves to deny the instant *Motion.*

The assailed *Decision* has already set forth the established rule: decisions of the Revenue District Officer are not appealable before the Court of Tax Appeals (**CTA**). It is only the decision of the Commissioner of Internal Revenue (**CIR**) himself or his duly authorized representatives that is appealable before this Court. For emphasis, quoted below is the disquisition in the assailed Decision:

> In this regard, Revenue Memorandum Circular (**RMC**) No. 17-2018 provides that if a claim is to be denied, the denial must be communicated in writing within the ninety (90)-day period, and the denial letter must be signed by the CIR, Deputy Commissioner-Operations Group, Assistant Commissioner, or Regional Director, as the case may be:
>
>> 5. Any findings in the course of the verification/review of the VAT claims that may lead to a deficiency in internal revenue taxes, other than

[3] *EB* Docket, p. 77.
[4] Subject: Revised Guidelines and Mandatory Requirements for the Processing and Grant of Value-Added Tax (VAT) Refund Claims Within the 90-Day Period Pursuant to Section 112 of the Tax Code of 1997, as Amended, April 16, 2019.

> VAT, shall be communicated by the processing/reviewing office to the concerned investigating office having jurisdiction over the taxpayer-claimant. However, if the findings involve VAT, these may result to disallowance or denial of the claim, or if the case warrants, for possible assessment of VAT liability.
>
> Should the claim be for denial, such fact should be communicated in writing to the taxpayer within the 90-day period. **The denial letter shall be signed by the Commissioner (CIR)/Deputy Commissioner-Operations Group (DCIR-OG)/Assistant Commissioner (ACIR)/ Regional Director, as the case may be**.

The same RMC further clarifies that while claims for VAT refund are filed with and processed by the concerned RDO, the **approval or denial** of such claims must be made by the **Regional Director** (or ACIR-LTS for large taxpayers):

> C. Claims for VAT refund by other zero-rated taxpayers, indirect exporters and claims filed in accordance with Sec. 112 (B) of Tax Code, as amended by R.A. No. 10963
>
> 1. **All claims for VAT refund** by other zero-rated taxpayers, indirect exporters and claims filed in accordance with Sec. 112 (B) of the Tax Code, as amended, shall be filed with and **processed by the concerned Revenue District Office** and LT Audit Division having jurisdiction over the taxpayer-claimant.
>
> 2. The docket with report on said claims shall be **reviewed by the Assessment Division**/Office of the Head Revenue Executive Assistant (HREA), **and shall be subject to approval/disapproval by the Regional Director/ACIR-LTS**, as the case may be, irrespective of amount. (Emphasis in the original, citation omitted)

Accordingly, only a denial letter signed by the CIR or a duly authorized representative, such as a Regional Director, is appealable to the CTA. A letter signed solely by an RDO does not constitute a reviewable decision under Section 112(C) of the NIRC and RA No. 1125.

As stated in the assailed *Decision*, petitioner received the *Letter* issued by RDO Geli on **October 10, 2019**,[5] and filed a *Petition for Review* with the Court in Division on **November 8,**

[5] Division Docket — Vol. 2, p. 927, Exhibit "P-18"; 708–714, Joint Stipulation of Facts and Issues, par. 1 (b).

W

2019, [6] or within 30 days from receipt of said *Letter.* Subsequently, petitioner received another letter dated **November 26, 2019**, signed by RD Geraldino, formally denying its claim for refund. This letter was received on **December 9, 2019,** or thirty-one (31) days after the filing of the *Petition for Review.* Thus, at the time petitioner filed its original *Petition for Review* with the Court in Division, the *Denial Letter* of RD Geraldino had neither been issued nor received by petitioner.

Petitioner calls the Court's attention to RMC No. 47-2019, which amends provisions of RMC No. 17-2018. Item I(5) of RMC No. 47-2019 provides:

> 5. The taxpayer-claimant shall ensure the **completeness and authenticity of the documentary requirements** upon filing of the application for VAT refund. Failure on the part of the taxpayer-claimant to submit the complete documents in support of the claim shall result in non-acceptance of the applications. **Due to the very limited time for processing the VAT refunds, no additional document/s shall be subsequently requested/required from the taxpayer-claimant. Any unsupported claim shall be outrightly disallowed, resulting in full/partial denial of the claim**. (Emphasis supplied)

Petitioner theorizes that this "outright disallowance" need not be made by the Regional Director. Correlating with the time frames provided in RMC No. 17-2018, this outright disallowance would not even reach the stage of approval done by the Regional Director.

Petitioner's argument is unmeritorious.

The cited provision of RMC No. 47-2019 refers to outright disallowance due to the taxpayer's failure to comply with documentary requirements upon filing the VAT refund application. The verification done by the officer-in-charge which may result in outright disallowance, is limited to the "completeness and authenticity of the documentary requirements." Notably, the same RMC attaches annexes containing the checklists of mandatory requirements for VAT refund. The verification resulting to an outright denial does not consider any substantive matters in the claim for refund.

[6] *EB* Docket, p. 3, Petition for Review, par. 4.

The instant case does not involve the "outright disallowance" contemplated under RMC No. 47-2019.

In his *Letter*, RDO Geli dealt with the requirements of zero-rating, which petitioner allegedly failed to establish, *viz.*:

> x x x Investigation disclosed that Firmenich Philippines[,] Inc. was appointed as Firmenich Asia's agent representative to market, promote and extend F[i]rm[e]nich products in the Philippines. Your revenue come[s] from commission on all sales made by Firmenich Asia in the Philippines, that have benefited from your sales support and assistance. As stated[,] the case of Internal Revenue vs. Accenture Inc. (G.R. No. 190102 dated July 11, 2012), the Supreme Court ruled that "the recipient of services must be doing business outside the Philippines for the transaction to qualify for zero-rating under Section 108(B) of the Tax Code." Since Firmenich Asia is doing business in the Philippines, you failed to prove the validity of your zero-rated sales and it's tantamount to your failure to prove your entitlement to tax refund.
>
> For your information and guidance.
>
> Very truly yours,
>
> (Signed.)
> RAY ANTHONY O. GELI
> Revenue District Officer

Clearly, this is not an outright disallowance due to failure to comply with the checklist of mandatory documentary requirements. Rather, it constitutes an adjudication on the merits of petitioner's refund claim. Under RMC No. 17-2018, such determination requires verification, processing, review, and approval by the Regional Director, the Assistant Commissioner, or the CIR.

Accordingly, the mandate of RMC No. 17-2018, that the Denial Letter "shall be signed by the Commissioner (CIR)/Deputy Commissioner-Operations Group (DCIR-OG)/Assistant Commissioner (ACIR)/Regional Director, as the case may be" remain controlling.

Petitioner also argues that the matter of RD Geraldino's *Denial Letter* was stipulated upon and that the case was tried with the consent of both parties.

Petitioner is mistaken.

Jurisdiction is the power of a court, tribunal, or officer to hear, try, and decide a case. Jurisdiction over the subject matter is conferred by law.[7] Jurisdiction cannot be the subject of stipulation between the parties in the absence of a statute empowering a court hear and decide such case. It does not solely relate to due process, such that it would be curable by mere assent of the parties. At its core, the issue of jurisdiction relates to the authority of the court itself. The mere fact that it has been subjected to trial and that both parties did not question the jurisdiction of the court is inconsequential.

WHEREFORE, premises considered, petitioner's *Motion for Reconsideration* is **DENIED** for lack of merit.

SO ORDERED.

LANEE S. CUI-DAVID
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

[7] *Terania v. Virjen Shipping Corporation*, G.R. No. 246751, August 20, 2025 [Per J. Kho, Jr., Second Division].

x--x

MARIAN IVY F. REYES-FAJARDO
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

HENRY S. ANGELES
Associate Justice

(No Part)
PAOLO S. TESTON
Associate Justice

(No Part)
DEBBIE JEAN CENTENO-DIJAMCO
Associate Justice