REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC
****

UPSI PROPERTY HOLDINGS, INC.,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA EB No. 1968
(CTA Case No. 8860)

Present:

DEL ROSARIO, P.J.,
CASTAÑEDA, JR.,
UY,
FABON-VICTORINO,
RINGPIS-LIBAN,
MANAHAN,
BACORRO-VILLENA, and
MODESTO-SAN PEDRO, JJ.

Promulgated:

JUL 07 2020
3:21 p.m.

x - x

RESOLUTION

UY, J.:

For resolution is petitioner UPSI Property Holdings, Inc.'s ***MOTION FOR RECONSIDERATION (from the Decision dated 19 November 2019)***[1] filed on December 11, 2019, without respondent Commissioner of Internal Revenue's comment, despite due notice,[2] praying for the setting aside of the Court *En Banc's* Decision dated November 19, 2019. The dispositive portion of the assailed Decision reads:

> "**WHEREFORE,** in light of the foregoing considerations, the instant *Petition for Review* is **DENIED** for lack of merit.

---

[1] EB Docket, pp. 430 to 454.
[2] Records Verification dated March 11, 2020 issued by the Judicial Records Division of this Court, EB Docket, p. 461.

Accordingly, the Decision dated August 22, 2018 and the Resolution dated October 30, 2018, both rendered by the Court in Division in CTA Case No. 8860, are **AFFIRMED *IN TOTO***.

SO ORDERED."

In its *Motion*, petitioner argues that the Court in Division validly acquired jurisdiction over the instant case. According to petitioner, the general rule that estoppel cannot lie against the Government is not absolute; and that it admits of exceptions, such as in cases where it will result in an injustice to taxpayers.

Relying on the CTA *En Banc* case of *Armadillo Holdings, Inc. vs Commissioner of Internal Revenue*[3] (hereinafter referred to as the *"Armadillo case")*, petitioner maintains that respondent is estopped from claiming finality of the Final Assessment Notice (FAN), considering that respondent himself has taken consideration of its protest.

In addition, petitioner reiterates its position that the evidence presented by CIR are insufficient and inadmissible. Particularly, petitioner claims that the testimony of Armando Macatangay and the Certification from Olivia Josue are insufficient to prove the alleged receipt by petitioner of the FAN on July 18, 2012; and that the Certification issued by Rodrigo SP Romero should not be considered considering that he did not testify before the Court.

THE COURT *EN BANC'S* RULING

The instant *Motion for Reconsideration* lacks merit.

Petitioner's allegation that the CIR is estopped from claiming that the FLD has attained finality, deserves scant consideration.

It bears reiterating that the matter of jurisdiction cannot be waived because it is conferred by law and is not dependent on the consent or objection or the acts or omissions of the parties or any one

---

[3] CTA EB No. 1245, July 21, 2016.

of them.[4] Thus, the determination of the Court's jurisdiction cannot be made to depend on the CIR's supposed action or representations.

Further, it is a well-settled rule that in matters of taxation, the government cannot be estopped by the mistakes, errors or omissions of its agents for upon it depends the ability of the government to serve the people for whose benefit taxes are collected.[5]

Petitioner cannot invoke the decision promulgated by this Court in the *Armadillo case* considering that CTA decisions do not constitute as binding precedents, as held by the Supreme Court in the case of *Commissioner of Internal Revenue v. San Roque Power Corporation,*[6] to wit:

> "**Suffice it to state that CTA decisions do not constitute precedents, and do not bind this Court or the public. That is why CTA decisions are appealable to this Court, which may affirm, reverse or modify the CTA decisions as the facts and the law may warrant**. Only decisions of this Court constitute binding precedents, forming part of the Philippine legal system." (Emphasis supplied)

Based from the foregoing, only Supreme Court decisions (and **not** CTA decisions), constitute as binding precedents forming part of the legal system.

As for the other arguments raised by petitioner, the Court finds the same as mere reiteration of matters which have already been considered, weighed and resolved in the assailed Decision. Moreover, petitioner failed to present new matters or arguments which may compel Us to reconsider and reverse the assailed Decision.

Finding no compelling reason to reconsider, modify or reverse Our Decision, We shall no longer belabor in this Resolution, to repeat the disquisitions made therein.

---

[4] *Nippon Express (Philippines.) Corp., v. Commissioner of Internal Revenue*, G.R. No. 196907, March 13, 2013, citing *Republic of the Philippines v. Sangalang, 243 Phil. 46, 50 (1988).*

[5] *Commissioner of Internal Revenue v. Nippon Express (Philippines) Corp.*, G.R. No. 212920, September 16, 2015.

[6] G.R. Nos. 187485, 196113 & 197156, February 12, 2013.

WHEREFORE, in light of the foregoing considerations, the instant *Motion for Reconsideration* is hereby **DENIED** for lack of merit.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

JUANITO C. CASTAÑEDA, JR.
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CATHERINE T. MANAHAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice