REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

COMMISSIONER OF INTERNAL REVENUE, *Petitioner,*	**CTA *EB* NO. 2999** (CTA Case No. 10177)
	Present:
- versus -	**RINGPIS-LIBAN,** *P.J.,* **BACORRO-VILLENA, MODESTO-SAN PEDRO, REYES-FAJARDO, CUI-DAVID, FERRER-FLORES,** *and* **ANGELES,** *JJ.*
IBMS TECHNOLOGY PHILS., CORPORATION, *Respondent.*	Promulgated: MAR 23 2026 2:25 pm

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RESOLUTION

CUI-DAVID, J.:

This resolves the following:

1. Petitioner's *Motion for Reconsideration* filed on December 26, 2025, with respondent's *Comment/Opposition with Motion for Entry of Judgment* filed on January 19, 2026; and,

2. Respondent's *Manifestation* filed on January 23, 2026.

Respondent's Manifestation

In its *Manifestation* filed on January 23, 2026, respondent states that on January 19, 2026, it filed a *Comment/Opposition with Motion for Entry of Judgment* to petitioner's *Motion for Reconsideration* dated December 26,

2025. However, due to inadvertence or honest mistake, the prayer in the said *Comment/Opposition*, was written as follows:

> "1. That respondent's Motion Petition for Reconsideration dated December 26, 2025 be DENIED for being *pro forma*;"

With apologies, respondent seeks to correct the same to read:

> "1. That petitioner's Motion for Reconsideration dated December 26, 2025 be DENIED for being *pro forma*;"

Acting on respondent's *Manifestation*, the same is **NOTED**.

Petitioner's Motion for Reconsideration

On December 15, 2025, the Court *En Banc* promulgated a *Decision*, the dispositive portion of which reads:

> **WHEREFORE**, premises considered, the *Petition for Review* filed by the Commissioner of Internal Revenue is **DENIED**, for lack of merit. The assailed *Decision* dated March 15, 2024, and *Resolution* dated August 29, 2024, both issued by the Special Third Division in CTA Case No. 10177, are **AFFIRMED**.
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> **SO ORDERED.**

The assailed *Decision* sustained the ruling of the Court in Division, which ordered the cancellation and setting aside of the Formal Assessment Notice (Parts I and II) [**FAN**] for taxable year 2015, for being void due to failure to state both a definite amount of tax liability and a specific due date for payment.

Unyielding, petitioner filed the instant *Motion for Reconsideration*, raising the following alleged error of the Court *En Banc*:

> **The Honorable Court *En Banc* erred in nullifying the FAN for failure to state the definite amount of tax liability for which respondent is liable as well as the due date of payment.**

Petitioner claims that although the FAN indicates "JAN 07 2018" as the due date of payment, it is impossible for the due date to precede the issuance of the FAN. Hence, for

[initials]

petitioner, the date appearing on the FAN is a mere typographical error, and the correct due date should be JAN 07 2019, or thirty (30) days from the date of issuance of the FAN.

Petitioner further claims that *Commissioner of Internal Revenue v. Fitness by Design, Inc.*[1] (*Fitness by Design*) is not on all fours with the case at bar. Allegedly, in *Fitness by Design,* the amount in the FAN remained indefinite as the same was subject to modification, depending on the date of the taxpayer's payment. In the instant case, however, there is an exact date by which the tax liability is due.

Lastly, petitioner avers that the Court cannot grant a relief not prayed for by petitioner without violating respondent's right to due process.

On the other hand, respondent, in its *Comment/Opposition with Motion for Entry of Judgment*, argues that petitioner's *Motion for Reconsideration* is *pro forma* and did not toll the running of the reglementary period for appeal.

Respondent submits that petitioner's *Motion for Reconsideration* is just a rehash of the grounds raised in his *Petition for Review*. It does not specifically point to findings or conclusions of the *Decision* dated December 15, 2025 that are not supported by evidence, or contrary to law; it does not demonstrate a *bona fide* effort to raise new matters or show how the Court mis-appreciated evidence or law; and it effectively seeks a re-argument of the case.

This, according to respondent, is the hallmark of a *pro forma* motion that should not interrupt finality.

Hence, respondent asserts that the *Decision* dated December 15, 2025 had become final and executory.

Petitioner's Motion for Reconsideration is not pro-forma.

In its *Motion for Entry of Judgment,* respondent argues that petitioner's *Motion for Reconsideration* merely reiterates

[1] G.R. No. 215957, November 9, 2016 [Per J. Leonen, Second Division].

the arguments previously raised in the *Petition for Review*. Also, it fails to specifically identify any finding or conclusion in the *Decision* dated December 15, 2025 that is not supported by evidence or contrary to law.

For respondent, petitioner's *Motion for Reconsideration* is *pro forma* and did not toll the running of the reglementary period to appeal. Consequently, respondent asserts that the *Decision* dated December 15, 2025 had already attained finality and should be entered in the Book of Entries of Judgment.

The Court does not agree.

In *Philippine National Bank v. Paneda* [2] (***PNB case***), the Supreme Court had the opportunity to discuss what makes a motion *pro forma*, to wit:

> The Court is guided by the rulings in *Coquilla v. Commission on Elections*, to wit:
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> x x x **The mere reiteration in a motion for reconsideration of the issues raised by the parties and passed upon by the court does not make a motion *pro forma***; otherwise, the movant's remedy would not be a reconsideration of the decision but a new trial or some other remedy. But, as we have held in another case:
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>> **Among the ends to which a motion for reconsideration is addressed, one is precisely to convince the court that its ruling is erroneous and improper, contrary to the law or the evidence; and in doing so, the movant has to dwell of necessity upon the issues passed upon by the court**. If a motion for reconsideration may not discuss these issues, the consequence would be that after a decision is rendered, the losing party would be confined to filing only motions for reopening and new trial.
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> **Indeed, in the cases where a motion for reconsideration was held to be *pro forma*, the motion was so held because (1) it was a second motion for reconsideration, or (2) it did not comply with the rule that the motion must specify the findings and conclusions alleged to be contrary to law or not supported by the evidence, or (3) it failed to substantiate**

[2] G.R. No. 149236, February 14, 2007 [Per J. Austria-Martinez, Third Divisions] citing *Coquilla v. The Honorable Commission on Elections*, G.R. No. 151914, July 31, 2002 [Per J. Mendoza, *En Banc*].

> **the alleged errors, or (4) it merely alleged that the decision in question was contrary to law, or (5) the adverse party was not given notice thereof**. (Emphasis in the original, citations omitted)

Notably, even prior to the *PNB case*, the Supreme Court already expounded on the subject in *Marina Properties Corporation v. Court of Appeals*,[3] as follows:

> Under our rules of procedure, a party adversely affected by a decision of a trial court may move for reconsideration thereof on the following grounds: (a) the damages awarded are excessive; (b) the evidence is insufficient to justify the decision; or (c) the decision is contrary to law. A motion for reconsideration interrupts the running of the period to appeal, unless the motion is *pro forma*. This is now expressly set forth in the last paragraph of Section 2, Rule 37, 1997 Rules of Civil Procedure.
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> A motion for reconsideration based on the foregoing grounds is deemed *pro forma* if the same does not specify the findings or conclusions in the judgment which are not supported by the evidence or contrary to law, making express reference to the pertinent evidence or legal provisions. It is settled that although a motion for reconsideration may merely reiterate issues already passed upon by the court, that by itself does not make it *pro forma* and is immaterial because what is essential is compliance with the requisites of the Rules. ...
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> . . . .
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> **Where the circumstances of a case do not show an intent on the part of the pleader to merely delay the proceedings, and his motion reveals a *bona fide* effort to present additional matters or to reiterate his arguments in a different light, the courts should be slow to declare the same outright as *pro forma*. The doctrine relating to *pro forma* motions has a direct bearing upon the movant's valuable right to appeal. It would be in the interest of justice to accord the appellate court the opportunity to review the decision of the trial court on the merits than to abort the appeal by declaring the motion *pro forma*, such that the period to appeal was not interrupted and had consequently lapsed**. (Emphasis supplied, citations omitted)

In the instant case, although petitioner reiterates his previous arguments, he nevertheless argued on the substantive aspect of the case, specifically his position that

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[3] G.R. No. 125447, August 14, 1998 [Per J. Davide, Jr., First Division].

the "JAN 07 2018" due date appearing in the FAN is a typographical error, and his assertion that *Fitness by Design* is not on all fours with the instant case. For the Court, these demonstrates a *bona fide* effort on the part of petitioner to defend his case and not to delay the proceedings.

At any rate, in *Bases Conversion and Development Authority v. Commissioner of Internal Revenue*,[4] where the Supreme Court observed that the motion for reconsideration subject thereof lacks the required notice of hearing (which would also make such motion *pro forma*), it was nonetheless held that procedural rules may be relaxed when its stringent application would hinder rather than serve the demands of substantial justice, to wit:

> The importance of notice of hearing cannot be overemphasized. It is intended to "prevent surprise and to afford the adverse party a chance to be heard before the motion is resolved by the court." This is in keeping with the fundamental principle of procedural due process. "Where a motion has no notice of hearing, it is considered *pro forma* and does not affect the reglementary period for the filing of the requisite pleading."
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> **Nevertheless, it is also well-settled that procedural rules may be relaxed when a "stringent application of [the same] would hinder rather than serve the demands of substantial justice." This is because "rules of procedure must be viewed as mere tools designed to facilitate the attainment of justice."** "Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must be avoided." (Emphasis supplied, citations omitted)

In the interest of justice, and considering the *bona fide* effort on the part of petitioner to defend his case, the Court deems it proper to relax the stringent application of the rules of procedure in favor of petitioner.

The Motion for Reconsideration is unmeritorious.

A careful perusal of the allegations in the subject *Motion for Reconsideration* shows that the same raises no new or substantial ground that would warrant a departure from the

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4 G.R. No. 205466, January 11, 2021 [Per J. Hernando, Third Division].

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previous conclusion and finding of the Court. All the issues and arguments raised by petitioner have already been passed upon, amply discussed, and considered in the *Decision* dated December 15, 2025.

On this point, the Supreme Court's pronouncement in *Social Justice Society (SJS) Officers v. Lim*,[5] is instructive:

> The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. **It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); i.e., the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, etc**. (Emphasis supplied, citations omitted)

Considering that the grounds relied upon merely reiterate issues already passed upon and resolved by the Court, there is neither reason nor justification to set aside or modify the *Decision* dated December 15, 2025.

WHEREFORE, premises considered, petitioner's *Motion for Reconsideration* and respondent's *Motion for Entry of Judgment*, incorporated in its *Comment/Opposition* to petitioner's *Motion for Reconsideration*, are both **DENIED** for lack of merit.

[5] G.R. No. 187836, March 10, 2015 [Per J. Perez, *En Banc*].

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SO ORDERED.

LANEE S. CUI-DAVID
Associate Justice

WE CONCUR:

MA. BELEN RINGPIS-LIBAN
Presiding Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA G. MODESTO-SAN PEDRO
Associate Justice

MARIAN IVY F. REYES-FAJARDO
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

HENRY S. ANGELES
Associate Justice