REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

THIRD DIVISION

ISLAND QUARRY AND AGGREGATES CORPORATION, Petitioner,	CTA Case No. 8710
	Members:
- versus -	BAUTISTA, *Chairperson* FABON-VICTORINO, and RINGPIS-LIBAN, *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: NOV 20 2017 3:35 p.m.

x- x

RESOLUTION

***Fabon-Victorino, J.*:**

On June 19, 2017, the Court promulgated a Decision[1], the dispositive portion of which reads:

> **WHEREFORE**, the Petition for Review filed by Island Quarry and Aggregates Corporation is hereby **GRANTED**. Accordingly, the tax deficiency assessments issued against petitioner for Income Tax, Value-Added Tax, and Withholding Tax in the aggregate amount of ₱48,462,807.59, for taxable years 1995, 1996, and 1997, are hereby **CANCELLED** and **WITHDRAWN**.
>
> **SO ORDERED**.

[1] Docket, pp. 1131-1146.

Unconvinced, respondent filed the instant *Motion for Reconsideration (Re: Decision promulgated on 19 June 2017)*[2] on July 12, 2017, assailing the foregoing Decision on the following grounds:

I. This Honorable Court erred in taking cognizance of the instant Petition for Review considering that it has no jurisdiction over the same.

II. The Honorable Court erred in ruling that petitioner is not liable to deficiency taxes and that respondent's right to collect the subject deficiency taxes for the years 1995, 1996 and 1997 is already barred by prescription.

In its *Comment/Opposition (To Respondent's Motion for Reconsideration dated 12 July 2017)* filed on August 18, 2017, petitioner counters that the issues raised in the instant *Motion* are mere repetition of the issues already raised which the Court had already considered and passed upon in the assailed Decision. Hence, the said *Motion* should be denied outright for being *pro forma*. Nonetheless, petitioner maintains that respondent's right to collect the deficiency taxes is already barred by prescription.

After going over the allegations in the subject *Motion for Reconsideration* as well as the counter argumentations proffered by petitioner, the Court finds no cogent reason to warrant a reconsideration of the assailed Decision of June 19, 2017.

The *Motion* has not raised any new or substantial ground that would justify a departure from the previous conclusion and finding of the Court. Indeed, all the arguments raised by respondent had already been passed upon, amply discussed, and considered by the Court in the Decision sought to be reconsidered, thus, the Court sees no

[2] Docket, pp. 1147-1156.

reasonable ground to deviate from the original determination on the merits of the case.

WHEREFORE, respondent's *Motion for Reconsideration [Re: Decision promulgated on 19 June 2017]* is hereby **DENIED**, for lack of merit.

SO ORDERED.

ESPERANZA R. FABON-VICTORINO
Associate Justice

We concur:

LOVELL R. BAUTISTA
Associate Justice

Ma. Belen

MA. BELEN M. RINGPIS-LIBAN
Associate Justice