CTA Form No. 8 (For DCC)

22-000061-0078

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL FIRST DIVISION

CTA CASE NO. 10768

SANKYU-ATS CONSORTIUM - B,
Petitioner,

- versus -

NOTICE OF RESOLUTION

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

To:

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street, Legazpi Village
Makati City

ATTY. SYLVIA R. ALMA JOSE
ATTY. AYESHA HANIA B. GUILING-MATANOG
Bureau of Internal Revenue
Room 703, Litigation Division, BIR National Office Building
Sen. Miriam P. Defensor-Santiago Avenue
Diliman, Quezon City

LMA LAW OFFICES
12th Floor, Unit 12D, 6805 Ayala Avenue
Multinational Bancorporation Centre, Bel-Air 1209
City of Makati, Fourth District
National Capital Region (NCR)

GREETINGS:

You are hereby notified by these presents that on **January 21, 2026,** a Resolution was rendered in the above-entitled case, copy of which is attached hereto.

Quezon City, Philippines, **January 22, 2026.**

Atty. Maria Johoanna F. Chan-Te
Executive Clerk of Court III

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL FIRST DIVISION

SANKYU-ATS CONSORTIUM - B, *Petitioner,*	**CTA CASE NO. 10768**
	Members:
- versus -	**RINGPIS-LIBAN,** *P.J.,** **BACORRO-VILLENA,** *Acting Chairperson, and* **CUI-DAVID,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, *Respondent.*	Promulgated: JAN 21 2026, 2:20PM

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RESOLUTION

CUI-DAVID, J.:

This resolves petitioner's *Motion for Reconsideration (To the Decision promulgated on 11 July 2025)*[1] filed on August 4, 2025, with respondent's *Comment/Opposition with Manifestation* filed on September 25, 2025.

Petitioner is asking the Court to reconsider its *Decision*[2] promulgated on July 11, 2025 (**assailed *Decision***), which dismissed its petition in this wise:

> **WHEREFORE**, premises considered, the *Petition for Review* filed by Sankyu-ATS Consortium – B is **DISMISSED** for lack of jurisdiction.
>
> **SO ORDERED**.[3]

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* Additional Member per Memorandum dated December 22, 2025.

1 Docket, pp. 165–179.

2 *Id.* at 569–587.

3 *Id.* at 580.

Petitioner avers that in the assailed *Decision*, the Court ruled that it has no jurisdiction over the *Petition for Review* noting that for value-added tax (VAT) claims within the jurisdiction of the BIR Region, the Regional Director (RD) is the official empowered to approve or disapprove the application or claim for refund within the prescribed ninety (90)-day period. The participation of a Revenue District Officer (RDO) is limited to verification/processing. As such, the appealable decision to the Court is that of the RD, not the one issued by the RDO.

In asking for a reconsideration, petitioner maintains that the decision of RDO Gledonio B. Teope, Jr. is the final decision of the Commissioner of Internal Revenue (CIR) that may be appealed before this Court, arguing that: (a) the decision of the RDO binds the BIR under the laws of agency; (b) the language of the Denial Letter is clear and unequivocal; (c) it is the responsibility of the BIR to comply with Revenue Memorandum Circular (RMC) No. 17-2018; and (d) it has complied with the doctrine of exhaustion of administrative remedies.

In rejecting petitioner's move for reconsideration, respondent reiterates that when a court has no jurisdiction over the subject matter, the only power it has is to dismiss the action, as any act it performs without jurisdiction is null and void, and without any binding legal effects. According to respondent, in the assailed *Decision*, the Court already pronounced that it has no jurisdiction over the subject matter since only decisions rendered by the RD on a claim for refund of input VAT falls within the appellate jurisdiction of the Court pursuant to Section 7(a)(1) and (2), and Section 11 of Republic Act (RA) No. 1125, as amended.

Petitioner's *Motion for Reconsideration (To the Decision promulgated on 11 July 2025)* must fail.

Petitioner merely reiterates and amplifies its position that the denial letter dated December 15, 2021, denying its VAT refund claim, is the decision of the CIR appealable to the Court. This matter has been squarely considered and rejected in pages 6 to 12 of the assailed *Decision*.

Again, it must be emphasized that the Court, being a court of special jurisdiction, can take cognizance only of matters that are clearly within its jurisdiction.[4] Jurisdiction over the subject matter is the power to hear and determine the general class to which the proceedings in question belong; it is conferred by law and not by the consent or acquiescence of any or all of the parties or by erroneous belief of the court that it exists. Thus, when a court has no jurisdiction over the subject matter, the only power it has is to dismiss the action.[5]

Relevantly, in the case of *Commissioner of Internal Revenue v. San Roque Power Corporation,* [6] the Supreme Court held that the Court's charter clearly provides, among others, that it has exclusive appellate jurisdiction to review respondent's decisions. Without any "decision" of respondent CIR or his duly authorized representative, this Court acquires no jurisdiction over a taxpayer-claimant's judicial claim for refund. The pertinent portion of the decision reads:

> The charter of the CTA expressly provides that its jurisdiction is to review on appeal '**decisions** of the Commissioner of Internal Revenue in cases involving x x x refunds of internal revenue taxes.' When a taxpayer prematurely files a judicial claim for tax refund or credit with the CTA without waiting for the decision of the Commissioner, there is no 'decision' of the Commissioner to review and thus the CTA as a court of special jurisdiction has no jurisdiction over the appeal. The charter of the CTA also expressly provides that if the Commissioner fails to decide within 'a specific period' required by law, such 'inaction shall be deemed a denial' of the application for tax refund or credit. It is the Commissioner's decision, or inaction 'deemed a denial,' that the taxpayer can take to the CTA for review. Without a decision or an 'inaction… deemed a denial' of the Commissioner, the CTA has no jurisdiction over a petition for review. (*Underscoring supplied; citations omitted*)

Furthermore, RMC No. 17-2018 [7] provides that for regional cases, the power to decide applications or claims for refund of creditable input taxes is delegated to the Regional

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[4] *Commissioner of Internal Revenue v. V.Y. Domingo Jewellers, Inc.*, G.R. No. 221780, March 25, 2019 [Per J. Peralta, Third Division].

[5] *Mitsubishi Motors Philippines Corporation v. Bureau of Customs*, G.R. No. 209830, June 17, 2015 [Per J. Perlas-Bernabe, First Division].

[6] G.R. Nos. 187485 et al., February 12, 2013 [Per J. Carpio, *En Banc*].

[7] SUBJECT: Amending Revenue Memorandum Circular (RMC) No. 89-2017 and Certain Provisions of RMC No. 54-2014 Regarding the Processing of Claims for Issuance of Tax Refund/Tax Credit Certificate (TCC) in Relation to Amendments Made in the National Internal Revenue Code of 1997, as Amended by Republic Act No. 10963, Known as the Tax Reform for Acceleration and Inclusion (TRAIN)." February 27, 2018.

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Director, and the participation of an RDO after the filing of the claim is limited only to "**verification/processing**." Thus, for applications or claims for refund of creditable input taxes filed with the concerned RDO, the appealable decision to this Court is that of the RD, not the one issued by the RDO.

In the case at bar, the subject of the present appeal is the letter[8] dated December 15, 2021, denying petitioner's claim for VAT refund. Said denial letter was issued by Gledonio B. Teope, Jr., an RDO not an RD.

In fine, there is no decision of the CIR or his duly authorized representative to speak of that is appealable to and cognizable by this Court.

ACCORDINGLY, petitioner's *Motion for Reconsideration (To the Decision promulgated on 11 July 2025)* is **DENIED**, for lack of merit.

SO ORDERED.

LANEE S. CUI-DAVID
Associate Justice

WE CONCUR:

MA. BELEN M. RINGPIS-LIBAN
Presiding Justice

(I reiterate my Dissenting Opinion)
JEAN MARIE A. BACORRO-VILLENA
Associate Justice

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[8] Docket, p. 127. Exhibit "P-10"; Exhibit R-3, BIR Records (Exhibit R-5), p. 22.