REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

MEDICARD PHILIPPINES, INC., *Petitioner,*	**CTA Case No. 9175**
	Members:
-versus-	**DEL ROSARIO**, *PJ, Chairperson,* **MANAHAN**, *and* **REYES-FAJARDO**, *JJ.*
COMMISSIONER OF INTERNAL REVENUE, *Respondent.*	Promulgated: APR 06 2022 11:41am

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RESOLUTION

MANAHAN, *J.:*

On October 28, 2021, the Court rendered its Decision[1] which cancelled and set aside the deficiency tax assessments against petitioner Medicard Philippines, Inc. (Medicard), as follows:

> **WHEREFORE**, in light of the foregoing considerations, the instant *Petition for Review* is **GRANTED**. Accordingly, the FAN/FLD with *Assessment Notice* No. LTDO-122-VT-2008-00006 and *Details of Dscrepancies* dated January 4, 2012 issued against petitioner, are **CANCELLED** and **SET ASIDE**.
>
> Moreover, the FDDA dated September 23, 2015 issued by then Commissioner of Internal Revenue, Ms. Kim S. Jacinto-Henares, holding petitioner liable for deficiency VAT, inclusive of interest, in the aggregate amount of **P387,937,975.14** for calendar year 2008, is **REVERSED** and **SET ASIDE**.
>
> Respondent, his representatives, agents, or any person acting on his behalf are hereby **ENJOINED** from taking any further action against petitioner arising from the above-mentioned FAN/FLD and FDDA.

[1] Docket, pp. 1093-1118. cm

SO ORDERED.[2]

On November 24, 2021, respondent Commissioner of Internal Revenue (CIR) filed his *Motion for Reconsideration (Re: Decision dated 28 October 2021).*[3]

Upon notice,[4] petitioner posted its *Opposition [To Respondent's Motion for Reconsideration dated November 23, 2021]*[5] on January 10, 2022, which was received by the Court on March 1, 2022.

In his *Motion*, the CIR argues that the Court erred in ruling that the right to assess petitioner for deficiency VAT for taxable year has prescribed. Respondent states that there is *prima facie* evidence that petitioner filed a false return, thus, the ten (10)-year prescriptive period applies. On the other hand, assuming that the three (3)-year prescriptive period is applicable to the instant case, the validly executed waivers extended the period to assess petitioner for taxable year 2008.

Petitioner, in its *Opposition*, states that respondent's *Motion* is *pro forma*, merely containing rehashed issues and arguments. It also argues that respondent failed to establish the filing of a false return to justify the application of the 10-year prescriptive period, and, that the Court correctly held that the respondent's right to assess petitioner has already prescribed.

The *Motion* is denied.

Records show that respondent's arguments are mere reiteration of the arguments raised in his Answer, which have been thoroughly discussed in the Decision dated October 28, 2021.

Respondent failed to submit any compelling argument or reason to warrant reversal of the Court's findings that the 2nd waiver did not validly extend the period of assessment because the same was not notarized and not accepted by the BIR; that the ten (10)-year prescriptive period does not apply because petitioner cannot be deemed to have filed a false or fraudulent

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[2] Docket, Decision dated October 28, 2021, p. 1117.
[3] Docket, pp. 1126-1141.
[4] Docket, Resolution dated December 16, 2021, p. 1143.
[5] Docket, pp. 1144-1168.

return in light of the Supreme Court ruling in *Medicard Philippines, Inc. v. Commissioner of Internal Revenue*,[6] which ruled that amounts earmarked and eventually paid by petitioner to medical service providers do not form part of gross receipts for VAT purposes; and, that the assessment has prescribed having been issued beyond the three (3)-year prescriptive period, and even beyond the period agreed upon in the 1st waiver.

Thus, no cogent reason exists to warrant a reconsideration of the Court's Decision, and it would be useless ritual for the Court to reiterate itself.[7]

WHEREFORE, respondent's *Motion for Reconsideration (Re: Decision dated 28 October 2021)* is **DENIED** for lack of merit.

SO ORDERED.

Catherine T. Manahan
CATHERINE T. MANAHAN
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

Marian Ivy F. Reyes-Fajardo
MARIAN IVY F. REYES-FAJARDO
Associate Justice

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[6] G.R. No. 222743, April 5, 2017.
[7] *Madeleine Mendoza-Ong v. Hon. Sandiganbayon and People of the Philippines*, G.R. Nos. 146368-89, October 18, 2004.