CTA Form No. 8 (For DCC)

25-000211-0026

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

CTA CASE NO. SCA-0031

HILMARCS CONSTRUCTION CORP.,
Petitioner,

- versus -

BUREAU OF INTERNAL REVENUE, HON. ROMEO D. LUMAGUI, JR., IN HIS CAPACITY AS COMMISSIONER OF INTERNAL REVENUE AND HON. LOUJEAN S. GEMANIL-ADRIANO, IN HER CAPACITY AS OFFICER-IN-CHARGE AND DIVISION CHIEF, LARGE TAXPAYER COLLECTION AND ENFORCEMENT DIVISION OF THE BUREAU OF INTERNAL REVENUE,
Respondents.

NOTICE OF RESOLUTION

To:

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

HON. CHARLITO MARTIN MENDOZA
Commissioner of Internal Revenue
Office of the Commissioner
Bureau of Internal Revenue
Sen. Miriam P. Defensor-Santiago Avenue
Diliman, Quezon City

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

ATTY. LOUJEAN S. GEMANIL-ADRIANO
Large Taxpayer Collection and Enforcement Division
Room 208, BIR National Office Building
Sen. Miriam P. Defensor-Santiago Avenue
Diliman, Quezon City

LAW OFFICES OF ESTELITO P. MENDOZA & ASSOCIATES
(Counsel for the Petitioner)
33rd Floor, Alveo Financial Tower
6794 Ayala Avenue, 1229 Makati City

ATTY. EDUARDO V. DE MESA
(Counsel for the Petitioner)
16 Rome Street, Loyola Grand Villas
Pansol, Quezon City

GREETINGS:

You are hereby notified by these presents that on **May 5, 2026,** a Resolution was rendered in the above-entitled case, copy of which is attached hereto.

Quezon City, Philippines, **May 6, 2026.**

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

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

HILMARC'S CONSTRUCTION CORP.,
Petitioner,

- versus -

BUREAU OF INTERNAL REVENUE, HON. ROMEO D. LUMAGUI, JR., IN HIS CAPACITY AS COMMISSIONER OF INTERNAL REVENUE, AND HON. LOUJEAN S. GEMANIL-ADRIANO, IN HER CAPACITY AS OFFICER-IN-CHARGE AND DIVISION CHIEF, LARGE TAXPAYER COLLECTION AND ENFORCEMENT DIVISION OF THE BUREAU OF INTERNAL REVENUE,
Respondents.

CTA SCA Case No. 0031

Members:

RINGPIS-LIBAN, PJ and Chairperson,
REYES-FAJARDO, *and*
ANGELES, *JJ.*

Promulgated:
MAY 05 2026 ; 9:50 AM

x- x

RESOLUTION

In its Motion to Withdraw "Petition for Certiorari and Mandamus with Prayer for Preliminary Mandatory Injunction" of March 21, 2025,[1] petitioner explains that the foregoing pleading was brought about by respondents' denial of its Application for Issuance

1 Docket, unpaginated.

of Tax Clearance for Bidding Purposes for year 2025. Meanwhile, it sent a letter-offer to the Bureau of Internal Revenue (BIR), proposing the settlement of alleged tax liability and/or requesting for abatement of penalties. The BIR then issued a Tax Clearance (TC) in its favor,[2] under condition that it would be revoked, if petitioner's proposal is rejected. In the end, the BIR acted favorably on its proposal through the issuance of Certificate of Availment (Abatement of Penalties).[3] With these developments, petitioner prays for the withdrawal of its Petition in CTA SCA Case No. 0031.

In their Manifestation (in lieu of Comment) (Re: Motion to Withdraw Petition for Certiorari and Mandamus),[4] respondents acknowledged the issuance of a TC on October 27, 2025 and Certificate of Availment (Abatement of Penalties).

The Motion is impressed with merit.

Indeed, for courts to exercise judicial power over a case, an actual case or justiciable controversy is indispensable. Section 1, Article VIII of the 1987 Constitution is on point:

> Section 1. **The judicial power shall be vested** in one Supreme Court and **in such lower courts as may be established by law.**
>
> **Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable**, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.[5]

In reverse, if there is no actual case or judiciable controversy, courts are devoid of authority to act on a case. *Express Telecommunications Co., Inc. v. AZ Communications, Inc.*[6] confirmed:

> Courts have no power to act on a matter if there is no actual case or justiciable controversy. ...The rule holds true even when

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2 Tax Clearance Certificate dated July 9, 2025. Annex "A," petitioner's Motion. Docket, unpaginated.

3 Certificate of Availment (Abatement of Penalties) dated October 27, 2005. Annex "B," petitioner's Motion. Docket, unpaginated.

4 Docket, unpaginated.

5 Boldfacing ours.

6 G.R. No. 196902, July 13, 2020.

> there had previously been a legal conflict or claim, but it has become moot because a supervening event has rendered the legal issue inexistent. When a case has become moot, there is no longer a conflict of rights that needs to be resolved by the courts.

Here, petitioner obtained the TC it sought from respondents, alongside the approval of its plea for abatement of penalties. These are the matters subject of its Petition in CTA SCA Case No. 0031. Otherwise stated, there is no more actual case or controversy to be addressed in said case, warranting allowance of petitioner's motion.

ACCORDINGLY, We **RESOLVE** to:

a. **GRANT** petitioner's Motion to Withdraw "Petition for Certiorari and Mandamus with Prayer for Preliminary Mandatory Injunction" of March 21, 2025 filed on November 4, 2025;

b. **DEEM** as **WITHDRAWN**, the Petition for Certiorari and Mandamus with Prayer for Preliminary Mandatory Injunction in CTA SCA No. 0031; and

c. **DECLARE** CTA SCA No. 0031 **CLOSED** and **TERMINATED.**

SO ORDERED.

MA. BELEN M. RINGPIS-LIBAN
Presiding Justice

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

HENRY S. ANGELES
Associate Justice