REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL THIRD DIVISION

ATTY. VOLTAIRE ENRIQUEZ, in his capacity as the City Treasurer of Taguig, *Petitioner,*	**CTA AC No. 323**
	Members: **REYES-FAJARDO,** *Acting Chairperson,* and **ANGELES,** *JJ.*
- versus -	
	Promulgated:
CHRISMON INVESTMENTS, INC., *Respondents.*	JUL 08 2026 11:38 a.m.

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RESOLUTION

REYES-FAJARDO, *J*.:

For resolution is petitioner's Motion for Partial Reconsideration [to the Decision dated February 4, 2026] ("Motion"),[1] posted on March 2, 2026, with respondent's Comment (To Petitioner's Motion for Reconsideration dated March 02, 2026),[2] filed on March 11, 2026. The Motion seeks to overturn the Court's ruling,[3] which denied the *Petition for Review,* and with modification, affirmed the Decision dated December 6, 2023[4] and Order dated March 20, 2024,[5] of the Regional Trial Court of Taguig City – Branch 70 (RTC-Taguig), in Civil Case No. 665, entitled "*Chrismon Investments, Inc. v. Atty. Voltaire Enriquez, in his capacity as the City Treasurer of Taguig City.*" RTC-Taguig found respondent entitled to a refund of local business tax (LBT) due to erroneous payment. The dispositive portion of which reads:

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1 Docket, pp. 179-194.
2 *Id.*, pp. 197-210.
3 *Id.*, at pp. 158-177.
4 *Id.*, pp. 32 to 53; RTC Docket (Civil Case No. 665), pp. 475 to 496.
5 *Id.*, pp. 54 to 57; RTC Docket (Civil Case No. 665), pp. 510 to 513.

WHEREFORE, the Petition for Review filed by Atty. Voltaire Enriquez, in his capacity as the City Treasurer of Taguig is **DENIED,** for lack of merit.

Accordingly, the assailed Decision dated December 6, 2023, and the assailed Order dated March 20, 2024, both rendered by the RTC of Taguig City - Branch 70, in Civil Case No. 665, are **AFFIRMED with MODIFICATION** that the award of legal interest of 6% per annum, reckoned from the finality of said Decision until full satisfaction, is **DELETED**.

SO ORDERED.

In ruling so, the Court held that the Billing Statements issued to respondent did not constitute "notices of assessment" under Section 195 of the Local Government Code (LGC), as they contained no deficiency findings and imposed no surcharges, interests, or penalties. It clarified that respondent's proper remedy lay under Section 196 of the LGC, and its claim for refund of LBT was timely filed within the prescriptive period.

The Court further ruled that respondent, being a holding company and not a bank or non-bank financial institution, is not liable with regard to the assessment for LBT on dividend income under Section 10 of Ordinance No. 034-17. The liability under Ordinance No. 47, Series of 2006, was likewise rejected, as the tax was not included in the billing statements and was raised only for the first time at trial, in violation of due process. Moreover, dividend income, as passive income, is expressly excluded from the LBT base under Bureau of Local Government Finance (BLGF) Memorandum Circular No. 01-001-2017. Finally, the Court set aside RTC-Taguig's award of legal interest on the refund, noting that no law authorizes interest on LBT refunds and the collection was not attended by arbitrariness.

In its Motion, however, petitioner reiterates that the Billing Statements issued on January 18, 2018, and January 19, 2019, constituted notices of assessment under Section 195 of the LGC. On this premise, petitioner argues that respondent's remedy should have been to contest the assessments pursuant to said provision. Petitioner further maintains that respondent is liable under Ordinance No. 47, Series of 2006, which imposes a business tax on dividend income received by holding companies at the rate of five percent (5%) of one percent (1%).

Through its Comment, respondent echoes the Court's ruling that it is entitled to its claim for LBT refund under Section 196 of the LGC due to erroneous payment.

The Motion is denied.

Petitioner failed to present new grounds to warrant reversal or modification of the assailed Decision, merely repeating arguments already evaluated and rejected by the Court. The Court finds no reason to disturb RTC-Taguig's ruling that respondent is entitled to a refund of LBT due to erroneous payment. The Billing Statements are not "notices of assessment" under Section 195 of the LGC, so the claim falls under Section 196 of the LGC. As a holding company, respondent is not liable for LBT on dividends: Ordinance No. 47, Series of 2006 was belatedly raised, violating due process. Moreover, dividend income is passive in nature and is excluded from the LBT base under BLGF Memorandum Circular No. 01-001-2017. Thus, dividends are not subject to LBT.

A motion for reconsideration is not designed to revisit matters already examined and resolved in the decision rejecting them; hence, the Court finds no need to reiterate pertinent portions of the Decision or re-write the *ponencia* in accordance with the outline of the instant motion.[6] *Social Justice Society (SJS) Officers, et al. v. Lim*[7] ordained:

> 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

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6 See *Social Justice Society (SJS) Officers, et al. v. Lim*, G.R. Nos. 187836 & 187916, March 10, 2015.

7 *Id.*

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.

WHEREFORE, petitioner's Motion for Partial Reconsideration [to the Decision dated February 4, 2026], posted on March 2, 2026, is **DENIED** for lack of merit.

SO ORDERED.

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

I CONCUR:

HENRY S. ANGELES
Associate Justice