REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

MAKATI CITY AND THE INCUMBENT CITY TREASURER OF MAKATI CITY,
Petitioners,

-versus-

METRO PACIFIC ASSETS HOLDINGS, INC.,
Respondent.

CTA EB NO. 1944
(CTA AC NO. 184)

Present:

Del Rosario, *P.J.,*
Castañeda, Jr.,
Uy,
Ringpis-Liban,
Manahan,
Bacorro-Villena, *and*
Modesto-San Pedro, *JJ.*

Promulgated:
OCT 08 2020
3:08 p.m.

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RESOLUTION

RINGPIS-LIBAN, J.:

For resolution is the petitioners' "Motion for Reconsideration (Re: Decision dated 12 February 2020)"[1] filed on February 28, 2020, with respondent's Comment/Opposition (To the Motion for Reconsideration dated 1 March 2020), filed on July 9, 2020.

In the instant motion, the petitioners aver that the Court *En Banc* erred in not ruling that the provisions of Section 3A.02 (p) in relation to Section 3A.02(h) of the Revised Makati Revenue Code can be validly made to apply to a holding company such as respondent; and that the Court *En Banc* erred in ruling that respondent is entitled to the refund being prayed for.

[1] Docket, CTA EB NO. 1944, pp. 124-130.

On the other hand, respondent argues that the Court En Banc was correct in ruling that it is a holding company and thus not liable for local business tax (LBT) imposed under Section 3A.02(p) in relation to Section 3A.02 (h) of the Revised Makati Revenue Code (RMRC); that the imposition on passive income is allowed only with respect to banks and financial institutions; that to impose the same on holding companies such as respondent is considered a tax on income which is prohibited by the Local Government Code; that Section 3A.02(p) does not authorize petitioners to arbitrarily include dividends, interest and other items of passive income in the taxable gross receipts of holding companies such as respondent; and that respondent was able to overcome the burden of proving that it is entitled to a refund.

After consideration, the Court *En Banc* resolves to deny the "Motion for Reconsideration (Re: Decision dated 12 February 2020)." The Court *En Banc* reviewed the grounds relied upon by petitioners in support of their motion but finds no cogent reason to grant the same. The Court notes that the petitioners' motion merely reiterates or amplifies the arguments previously raised in their Petition for Review which were already considered and extensively discussed upon by the Court *En Banc* in the assailed Decision dated February 12, 2020.

It must be stressed that among the ends to which a motion for reconsideration is addressed, one is precisely to convince the Court that its ruling is erroneous and improper, contrary to law or the evidence.[2] If the movant failed to do so, the motion for reconsideration must necessarily fail.

In view of the foregoing, the Court finds it needless to reiterate the discussions made in the assailed Decision.

WHEREFORE, premises considered, the petitioners' "Motion for Reconsideration (Re: Decision dated 12 February 2020)" is **DENIED for lack of merit**. The **assailed Decision** dated February 12, 2020 is **AFFIRMED**.

SO ORDERED.

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

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[2] *Teodulo M. Coquilla vs. The Hon. Commission on Elections and Mr. Neil M. Alvarez*, G.R. No. 151914, July 31, 2002.

WE CONCUR:

(I reiterate my Concurring Opinion)
ROMAN G. DEL ROSARIO
Presiding Justice

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

(On Leave)
ERLINDA P. UY
Associate Justice

CATHERINE T. MANAHAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice