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TALISAY-SILAY MILLING
CO., INC.,

Petitioner,

March 1, 1966

\- versus - C.T.A. CASES NOS.
1399 & 1406

COMMISSIONER OF INTERNAL
REVENUE,

Respondent.

x - - - - - - - - - - - - - - x

AMENDED DECISION

Petitioner seeks a reconsideration of the decision in the above-entitled cases rendered on December 29, 1965.

In the said decision, petitioner was ordered to pay respondent the aggregate amount of ₱219,399.91 as deficiency income tax for the years 1957 to 1961. However, it has been shown to the satisfaction of the Court that mathematical errors in the copying of the figures and in the computation have been inadvertently committed. Therefore, the computation is hereby amended as follows:

1957

Net income per return ------------	₱ 846,131.97
Add: Unallowable deduction:	
(1) Depreciation - ₱46,241.41	
Total adjustment -----------------	46,241.41
Net income -----------------------	₱ 892,373.38
Income tax due thereon -----------	₱ 241,865.00
Less: Amount already assessed ----	228,917.00
DEFICIENCY TAX DUE ----------	₱ 12,948.00

1958

Net income per return -----------		₱1,044.634.33
Add: Unallowable deductions:		
(1) Depreciation -	₱46,241.41	
(2) Overstated fire loss- bagasse-	2,671.18	
(3) Fertilizer Venture ---------	1,145.27	
Total adjustment ---------------		50,057.86
Net income ---------------------		₱1,094,692.19
Income tax due thereon ----------		₱ 298,514.00
Less amount already assessed -----		284,498.00
DEFICIENCY TAX DUE ----------		₱ 14,016.00

1959

Net income per return -----------		₱1,300,886.56
Add: Unallowable deductions:		
(1) Depreciation -	₱46,241.41	
(2) Fertilizer venture -----	1,226.00	
(3) Storage fees -	16,458.33*	
Total adjustment ---------------		63,925.74
Net income ---------------------		₱1,364,812.30
Income tax due thereon ----------		₱ 401,444.00
Less: Amount already assessed ----		382,266.00
DEFICIENCY TAX DUE ----------		₱ 19,178.00

1960

Net income per return -----------		₱ 331,516.54
Add: Unallowable deductions:		
(1) Depreciation -	₱46,241.41	
(2) Fertilizer venture -----	(778.85)	
(3) Separation bonuses -----	18,000.00	
Total adjustment ---------------		63,462.56
Net income ---------------------		₱ 394,979.10
Income tax due thereon ----------		₱ 110,494.00
Less: Amount already assessed ----		91,455.00
DEFICIENCY TAX DUE ----------		₱ 19,039.00

1961

Net income per return -----------		₱2,021,639.10
Add: Unallowable deductions:		
(1) Depreciation -	₱46,241.41	
(2) Fertilizer venture -----	(74.85)	

*See Exhibit "L"

Total adjustment	----------------	46,166.56
Net income	----------------------	₱2,067,805.66
Income tax due thereon	-----------	₱ 612,342.00
Less: Amount already assessed	----	598,492.00
DEFICIENCY TAX DUE	---------	₱ 13,850.00

SUMMARY

1957 --------	₱12,943.00
1958 --------	14,016.00
1959 --------	19,178.00
1960 --------	19,039.00
1961 --------	13,850.00

TOTAL AMOUNT OF TAX DUE AND
COLLECTIBLE ------------------- ₱ 79,031.00

With regard to our ruling on the question of prescription for the year 1957 and the deductibility of the bonuses of the Directors of Central Azucarera del Danao, we find no legal basis to deviate therefrom.

WHEREFORE, petitioner is hereby ordered to pay respondent the amount of ₱79,031.00 as deficiency income tax for the years 1957 to 1961, plus the corresponding interest provided in Section 51(d) of the Revenue Code. If the deficiency tax is not paid in full within thirty (30) days from the date this decision becomes final and executory, petitioner shall pay a surcharge of five per cent (5%) of the unpaid amount, plus interest at the rate of one per cent (1%) a month, computed from the date this decision becomes final until paid, provided that the maximum amount that may be collected as interests shall not exceed the amount corresponding to a period of three (3) years. Without pronouncement as to costs.

SO ORDERED.

Quezon City, March 1, 1966.

ESTANISLAO R. ALVAREZ
Associate Judge

ROMAN M. UMALI
Acting Presiding Judge