REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

First Division

GLOBAL PACKAGING SYSTEMS & MATERIALS CORP.,
Petitioners,

-*versus*-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA Case No. 9744

Members:

DEL ROSARIO, *P.J.*, *Chairperson*
and
MANAHAN, *JJ.*

Promulgated:
FEB 02 2021 2:54 pm

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RESOLUTION

MANAHAN, *J.*:

This resolves petitioner's **Motion for Reconsideration** filed on August 24, 2020, without respondent's comment, seeking the reversal and setting aside of this Court's *Decision* dated March 11, 2020 (Assailed Decision) and the issuance of a new one exonerating it from payment of deficiency Income Tax (IT), Expanded Withholding Tax (EWT), Withholding Tax on Compensation (WTC), Documentary Stamp Tax (DST), and Value-Added Tax (VAT) for taxable year (TY) 2010, in the aggregate amount of Php432,600.24, inclusive of interests and surcharges.

Petitioner maintains that there was a violation of due process of law when two (2) Letters of Authority (LOA) were issued in the instant case.

Petitioner also argues that the Formal Assessment Notice (FAN) and Final Decision on Disputed Assessment (FDDA) that were issued by respondent when it already transferred from Muntinlupa City, which is within the jurisdiction of Revenue District Office (RDO) No. 53-B, to Parañaque City, which is within the jurisdiction of RDO No. 52, were null and void.

We deny the instant motion.

On the issue of the alleged violation of due process because of the issuance of 2 LOAs, such issue was already extensively discussed in the Assailed Decision, hence, the discourse in the motion is a mere rehash or reiteration of the earlier argument. *In Madeleine Mendoza-Ong v. Hon. Sandiganbayan, et al.*[1], the Supreme Court ruled that the Court need not resolve any reiteration or rehash of arguments submitted to and subsequently addressed by it because it will be useless to reiterate itself, to wit:

> "Concerning the first ground abovecited, the Court notes that the motion contains merely a reiteration or rehash of arguments already submitted to the Court and found to be without merit. Petitioner fails to raise any new and substantial arguments, and no cogent reason exists to warrant a reconsideration of the Court's Resolution. It would be a useless ritual for the Court to reiterate itself."

Thus, this Court puts to rest this issue and will no longer address it in this disquisition.

As to petitioner's allegation that the FAN and FLD were null and void because they were issued after petitioner transferred to a new address, such is premised on hollow grounds devoid of legal basis.

Section 13 of the 1997 National Internal Revenue Code (NIRC), as amended, states that a Revenue Officer (RO) assigned to perform assessment functions may examine taxpayers in order to collect taxes from, or to recommend the issuance of a deficiency tax assessment against the said taxpayers, pursuant to an LOA issued by the Regional Director, to wit:

> SEC. 13. *Authority of a Revenue Officer.* - Subject to the rules and regulations to be prescribed by the Secretary of Finance, upon recommendation of the Commissioner, **a Revenue Officer assigned to perform assessment functions in any district may, pursuant to a Letter of Authority issued by the Revenue Regional Director, examine taxpayers within the jurisdiction of the district in order to collect the correct amount of tax or to recommend the assessment of any deficiency tax due in the same manner that the said acts could have been**

[1] G.R. Nos. 146368-69, October 18, 2004.

> **performed by the Revenue Regional Director himself.** (Emphasis supplied)

The abovementioned provision mandates that any assessment made by an RO against any taxpayer must be preceded by a valid LOA. It means that before an RO may perform the tax audit/examination on taxpayer's tax liabilities, there must be a valid LOA, otherwise, any resulting assessment may be null and void.

Said requirement is imposed on the RO **before** the conduct of the tax audit/examination and not upon the issuance of any assessment after the conduct of the same. Thus, petitioner's allegation that respondent loses jurisdiction against the former when the FAN and the FDDA were issued after changing its principal address is bereft of legal or jurisprudential basis.

It was established in the Assailed Decision that the first LOA was served to petitioner in Parañaque City and the second LOA was served to it in its new address in Muntinlupa City where the tax audit/examination was conducted. It was only after the conclusion of such tax audit/examination but before the issuance of the required notices did petitioner change its address again.

If this Court will follow petitioner's postulation, it will result to a dangerous precedent of enabling taxpayers evade their tax liabilities just by the mere expediency of changing their registered business address before the issuance of any assessment notice as a result of the tax examination. At this juncture, petitioner is totally mistaken and the Court will not condone such position.

There being no other new issues or matters raised by the petitioner in the instant motion, this Court finds no compelling reason to reverse the ruling in the Assailed Decision.

WHEREFORE, premises considered, the instant *Motion for Reconsideration* is **DENIED** for lack of merit.

SO ORDERED.

CATHERINE T. MANAHAN
Associate Justice

I CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice