REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

CEBU MITSUMI, INC.,
Petitioner,

- versus-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

C.T.A. Case No. 8531

Members:

Castañeda, Jr., *Chairperson*
Casanova, and
Cotangco-Manalastas, *JJ.*

Promulgated:

AUG 05 2015 2:52 pm

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RESOLUTION

COTANGCO-MANALASTAS, J.:

For resolution is respondent's Motion for Reconsideration[1], filed through registered mail on June 8, 2015, and received by this Court on June 11, 2015. Petitioner filed its Comment/Opposition[2] on July 2, 2015.

Subject of the motion for reconsideration is this Court's Decision, dated May 21, 2015, which disposed of the case, as follows:

> "In the cases of *Sony, De la Salle University, University of Santo Tomas Hospital*, letters of authority were issued prior to the assessment which were subsequently declared void. In the instant case, no letter of authority was issued prior to the investigation and assessment. With more reason, the assessment in the instant case is void having been issued without an LOA.
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> xxx
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> WHEREFORE, premises considered, the instant Petition for Review is GRANTED. Accordingly,

[1] Docket, pp. 1206-1211.
[2] Docket, pp. 1216-1221.

Assessment Notice No. 123-IT-20-2009-2012-05-27 is hereby CANCELLED and WITHDRAWN."[3]

Respondent now argues that petitioner is already barred by laches in assailing the validity of the assessment considering petitioner's failure to raise the issue of lack of letter of authority despite several opportunities to do so. Petitioner counter-argues that an assessment issued without a Letter of Authority is absolutely null and void, and that estoppel by laches cannot make legally valid a void assessment.

In the instant case, the Court found that no Letter of Authority was issued.[4] In the absence of such Letter of Authority, any assessment issued is a nullity. It has been consistently held that a void assessment bears no valid fruit.[5]

This Court cannot countenance respondent's argument that the doctrine of estoppel applies and that petitioner has already lost the opportunity to question the absence of the Letter of Authority. Respondent's arguments would have the effect of giving validity to the questioned assessment, which are null and void. This result is not the intent of the doctrine of estoppel. Estoppel cannot validate an act that contravenes law or is against public policy. Thus, the doctrine of estoppel is not applicable in the instant case as the questioned assessments are null and void.

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

SO ORDERED.

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

CONCURS:

JUANITO C. CASTAÑEDA, JR.
Associate Justice

CAESAR A. CASANOVA
Associate Justice

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[3] Docket, pp. 1204-1205.
[4] Decision, p. 6; docket, p. 1203.
[5] *Commissioner of Internal Revenue v. Azucena T. Reyes,* G.R. Nos. 159694 & 163581, January 27, 2006.