REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

COMMISSIONER OF INTERNAL REVENUE,
Petitioner,

-versus-

TOYOTA MOTOR PHILIPPINES,
Respondent.

CTA EB NO. 1688
(CTA Case No. 8772)

Present:
Del Rosario, *P.J.*,
Castañeda, Jr.,
Uy,
Fabon-Victorino,
Mindaro-Grulla,
Ringpis-Liban, and
Manahan, *JJ.*

Promulgated:
MAR 26 2019
11:35a.m.

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RESOLUTION

RINGPIS-LIBAN, J.:

For resolution is the petitioner's "Motion for Reconsideration Re: Decision promulgated on September 19, 2018" filed on October 10, 2018, with respondent's Comment, filed on December 12, 2018.

In the instant motion, petitioner avers that Revenue Memorandum Order No. (RMO) 1-2000 and RMO No. 72-2010 were issued in the exercise of respondent's quasi-legislative power, hence, the same has the force and effect of the law; that said RMOs must be complied with by respondent before it can avail of the preferential tax rate under the treaty; that respondent should not have dispensed with the requisite of establishing that the provisions of the treaty apply to it; that any availment of the tax treaty relief shall be preceded by an application for filing BIR Form No. 0901 (Application for Relief from Double Taxation) with ITAD at least 15 days before the transaction (i.e. payment of dividends, royalties, etc.), accompanied by supporting documents justifying the relief; and that prior application is very important to give petitioner the opportunity to examine the documents presented and to determine the entitlement of the applicant to the preferential tax rate.

On the other hand, respondent states that petitioner's arguments are mere reiterations of the previous arguments that were already considered by the Court in Division; that the core issue in this case is the validity of the assessment of the alleged deficiency tax liabilities on royalty payments for taxable year 2009; that the subject matter that respondent seeks to be resolved is the decision of the Commissioner of Internal Revenue regarding its proteSt against the issued assessment, hence, the Court has jurisdiction over the instant case; and that respondent is not liable to pay the alleged deficiency tax liabilities on its royalty payments for taxable year 2009, and availment of the preferential tax treaty rates under tax treaties entered into by the Philippines is not conditioned upon the filing of a prior tax treaty relief application.

After consideration, the Court *En Banc* resolves to deny the motion for reconsideration. The Court *En Banc* reviewed the grounds relied upon by petitioner in support of his "Motion for Reconsideration" but finds no cogent reason to grant the same. The issues raised and the arguments contended in the instant "Motion for Reconsideration" are the same issues and arguments he presented before the Court in Division, and in the present Petition for Review which have already been passed upon, discussed and judiciously resolved in the assailed Decision dated September 19, 2018.

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.[1] If the movant failed to do so, the motion for reconsideration must necessarily fail.

Considering that the issues and arguments presented in the instant motion are the very same arguments which petitioner stated in his Petition for Review, the Court finds it needless to reiterate the discussions made in the assailed Decision.

WHEREFORE, premises considered, the "Motion for Reconsideration" is **DENIED for lack of merit**. The **assailed Decision** dated September 19, 2018 is **AFFIRMED.**

SO ORDERED.

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

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

WE CONCUR:

Roman G. Del Rosario

ROMAN G. DEL ROSARIO
Presiding Justice

Juanito C. Castañeda, Jr.

JUANITO C. CASTAÑEDA, JR.
Associate Justice

ERLINDA P. UY
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

Cielito N. Mindaro-Grulla

CIELITO N. MINDARO-GRULLA
Associate Justice

Catherine T. Manahan

CATHERINE T. MANAHAN
Associate Justice