REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

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CITY OF DAVAO and BELLA LINDA N. TANJILI in her official capacity as The Officer-in-Charge City Treasurer's Office of Davao City,	**CTA EB No. 1635** (CTA AC No. 131)
Petitioners,	***Present:***
- versus -	**DEL ROSARIO,** *P.J.*, **CASTAÑEDA, JR., UY, FABON-VICTORINO, MINDARO-GRULLA, RINGPIS-LIBAN,** and **MANAHAN,** *JJ.*
RANDY ALLIED VENTURES, INC., Respondent.	***Promulgated:*** DEC 11 2018 3:36 p.m.

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RESOLUTION

UY, *J.*:

For resolution is petitioners' **"MOTION FOR RECONSIDERATION"**[1] filed on August 23, 2018, with respondent's **"COMMENT (On Petitioners' Motion for Reconsideration dated 23 August 2018)"**[2] filed on October 15, 2018. In the said Motion, petitioners pray for the reconsideration of the Court's Decision dated July 27, 2018, the dispositive portion of which reads:

> "**WHEREFORE,** in light of the foregoing considerations, the instant *Petition for Review* is **DENIED** for lack of merit. The Decision dated August 12, 2016 and the Resolution dated March 2, 2017 rendered by the Court in Division in CTA AC No. 131 are **AFFIRMED.**

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[1] Docket, pp. 180 to 192.
[2] Docket, pp. 204 to 229.

SO ORDERED."

In support of their Motion, petitioners raise the following arguments, to wit:

1. The Honorable Court *En Banc* erred in concluding that respondent's business operation does not fall within the definition of a non-bank financial intermediary.

2. The Honorable Court *En Banc* erred in concluding that since there is no evidence in the court *a quo* showing that respondent was authorized by the *Bangko Sentral ng Pilipinas* (BSP) to perform quasi-banking activities, respondent cannot be treated as a non-bank financial intermediary.

3. The Honorable Court *En Banc* erred in not taking into account the factual findings of the lower court that respondent is non-bank financial intermediary by owning, investing and holding shares of stock of San Miguel Corporation.

4. The Honorable Court *En Banc* erred in concluding that respondent's assets, being declared as owned by the government pursuant to COCOFED Decision is exempt from the imposition of local business tax.

In its Comment, respondent counters that:

1. The Honorable Court correctly ruled to cancel and set aside the petitioners' assessment against the respondent for 0.55% local business tax for the third and fourth quarters of 2011, based on the following grounds:

   a. The imposition of local business tax on dividends and interest income received by respondent is erroneous since there is no showing that it is a non-bank financial intermediary.

   b. Being a holding company, respondent's dividend and interest income are not subject to local business tax.

   c. Respondent as well as the San Miguel Corporation shares it held and income derived therefrom are national government property, exempt from local business tax.

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THE COURT *EN BANC'S* RULING

Petitioners' Motion lacks merit.

After a careful examination and consideration of the petitioners' Motion for Reconsideration, it is noted that the arguments raised in the said Motion are mere reiterations of matters which have already been considered, weighed and resolved in the assailed Decision. Thus, We shall not belabor, in this Resolution, to repeat the disquisitions made therein.

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

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO I reiterate my concurring opinion
Presiding Justice

(I reiterate my Dissenting Opinion)
JUANITO C. CASTAÑEDA, JR.
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CATHERINE T. MANAHAN
Associate Justice