REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC
****

COMMISSIONER OF INTERNAL REVENUE, Petitioner,	**CTA EB No. 1372** (CTA Case No. 8364)
	Present:
- versus -	**DEL ROSARIO,** *P.J.*, **CASTAÑEDA, JR., BAUTISTA, UY, CASANOVA, FABON-VICTORINO, MINDARO-GRULLA, RINGPIS-LIBAN,** and **MANAHAN,** *JJ.*
PEA TOLLWAY CORPORATION, Respondent.	***Promulgated:*** SEP 13 2017 3:25 p.m.

x - x

RESOLUTION

UY, *J.*:

For resolution is petitioner's **"MOTION FOR RECONSIDERATION (RE: Decision Promulgated on March 23, 2017)"** filed on April 20, 2017, with respondent's **"COMMENT (On Petitioner's 20 April 2017 Motion for Reconsideration)"** filed on June 8, 2017, seeking the reconsideration of the Court *En Banc's* Decision dated March 23, 2017, the dispositive portion of which reads:

> "**WHEREFORE**, in light of the foregoing considerations, the Petition for Review is **DENIED** for lack of merit. Accordingly, the Decision dated July 13, 2015 and Resolution dated October 12, 2015 of the Court in Division in CTA Case No. 8364 are hereby **AFFIRMED**.
>
> **SO ORDERED**."

In support of his *Motion*, petitioner raises the following arguments, to wit:

1. Respondent conducted business operations for the purpose of generating profits pursuant to its Primary Purpose as stated in its Articles of Incorporation.

2. Respondent is a subsidiary corporation and the toll fees it collected and earned is subject to income tax.

3. Respondent's expenses were recognized as incurred but the income arising from toll fees were not recorded as revenue when in fact the expenses are directly related to the generation of the income arising from the collection of toll fees.

4. The Operation and Maintenance Agreement (OMA) entered into by Public Estates Authority (PEA) [now the Philippine Reclamation Authority (PRA)] and UEM-MARA Philippines Corporation (UMPC) [now Cavitex Infrastructure Corporation (CIC)] is clearly contrary to law and the said agreement cannot prevail over Section 27 (A) and Section 32 (A) and (B) of the NIRC of 1997, as amended.

5. There is no double taxation in the case at bar.

Upon the other hand, respondent, in its *Comment*, contends as follows:

1. It is not liable to pay the deficiency income tax since the income on which the deficiency tax was based properly pertained to PEA and UMPC, which expended funds to operate the project, and not to PEATC, which merely acted as a toll-collecting agent on their behalf.

2. The subject assessment constitutes double taxation.

THE COURT *EN BANC*'S RULING

We find no merit in the instant *Motion for Reconsideration*.

A careful perusal of the *Motion for Reconsideration* shows that the arguments raised therein are mere reiterations of matters which have already been considered, weighed, passed upon and exhaustively resolved by the Court *En Banc* in the assailed decision.

Hence, finding no compelling reason to reconsider, modify or reverse the said Decision, We shall no longer belabor, in this Resolution, to repeat the disquisitions made therein.

WHEREFORE, in light of the foregoing considerations, petitioner's *Motion for Reconsideration* is **DENIED** for lack of merit.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

Cielito N. Mindaro-Grulla
CIELITO N. MINDARO-GRULLA
Associate Justice

Ma. Belen
MA. BELEN M. RINGPIS-LIBAN
Associate Justice

Catherine T. Manahan
CATHERINE T. MANAHAN
Associate Justice