

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

SIGUION REYKA, MONTECILLO & ONGSIKO,
Petitioner,

C.T.A. EB NO. 152
(C.T.A. Case No. 6613)

Present:

-versus-

*Acosta, P.J.
Castañeda, Jr.
Bautista,
Uy,
Casanova, and
Palanca-Enriquez, JJ.*

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

Promulgated:

FEB 22 2007

G. Pobinano

DECISION

BAUTISTA, J.:

The Case

Before the Court *En Banc* is a Petition for Review assailing the Decision dated August 18, 2005 and the subsequent Resolution dated December 6, 2005, both issued by the Second Division of the Court ("Court in Division"). The Court in Division denied the claim for refund of petitioner in the amount of

respondent who is authorized under the Tax Code to divide the Philippines into different zones or areas or to determine the fair market value of real properties located in each zone or area, pursuant to Section 8 (E) of the 1987 Tax Code."

The Ruling of the Court in Division

The Court in Division ruled that petitioner is not entitled to a refund in the amount of ₱592,791.76 representing petitioner's allegedly overpaid documentary stamp taxes (DST) on its purchase of office-condominium units located at the Citibank Centre, 8741 Paseo de Roxas, Makati City for the following reasons:

1. The zonal values adopted by the Bureau of Internal Revenue (BIR) at the time of the purchase of the office condominium units, unless revised or amended in accordance with law by the Commissioner of Internal Revenue, should still be used for purposes of arriving at the DST paid by petitioner, pursuant to the provisions of Section 8(E) of the 1987 Tax Code.
2. When the condominium units were purchased, there was already a re-evaluation or revision of the zonal values of real property in Makati City, more particularly the area where the subject real property of this case lies, pursuant to Department Order No. 64-67 dated June 8, 1987. This revised zonal valuation was the basis for computing the DST that petitioner paid, being the higher value than the contracted purchase price stated on the subject Deed of Absolute Sale, which was never presented in Court.

WE CONCUR:


ERNESTO D. ACOSTA
Presiding Justice


JUANITO C. CASTAÑEDA, JR.
Associate Justice


ERLINDA P. UY
Associate Justice


CAESAR A. CASANOVA
Associate Justice

(on leave)
OLGA PALANCA-ENRÍQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VII of the Constitution, it is hereby certified that the above Decision has been reached in consultation with the members of the Court *En Banc* before the case was assigned to the writer of the opinion of this Court.


ERNESTO D. ACOSTA
Presiding Justice